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UNITED STATES CODE

Title 44

PUBLIC PRINTING AND DOCUMENTS

And Miscellaneous Statutes Identifying the Authority of the

JOINT COMMITTEE ON PRINTING

1988 EDITION

For the use of the Joint Committee on Printing

85-308 --

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TITLE 44—PUBLIC PRINTING AND DOCUMENTS

This title was enacted by Pub. L. 90-620, § 1, Oct. 22, 1968, 82 Stat. 1238

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1984—Pub. L. 98-497, title I, §§ 102(c)(2), 107(b)(18)(B), Oct. 19, 1984, 98 Stat. 2283, 2290, substituted "National Archives and Records Administration" for "Archival Administration" in item 21, and inserted "the Archivist of the United States and by the" in item 29.

1980—Pub. L. 96-511, § 2(b), Dec. 11, 1980, 94 Stat. 2825, substituted in chapter 35 "Information Policy" for "Reporting Services".

1978—Pub. L. 95-591, § 2(b)(1), Nov. 4, 1978, 92 Stat. 2528, added chapter 22.

Pub. L. 95-378, § 2(b), Sept. 22, 1978, 92 Stat. 723, struck out chapter 27 "Federal Records Council".

1974—Pub. L. 93-536, § 2, Dec. 22, 1974, 88 Stat. 1735, substituted "National Historical Publications and Records Commission" for "National Historical Publications Commission" in heading of chapter 25.

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Enacting Clause

Section 1 of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1238, provided in part: "That the general and permanent laws relating to public printing and documents are revised, codified, and enacted as title 44, United States Code, 'Public Printing and Documents', and may be cited as '44 U.S.C. § ___' ".

Legislative Purpose; Inconsistent Provisions

Section 2(a) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, provided that: "The legislative purpose in enacting section 1 of this Act is to restate, without substantive change, the laws replaced by those sections on the effective date of this Act. Laws effective after January 14, 1968, that are inconsistent with this Act are considered as superseding it to the extent of the inconsistency."

References to Other Laws

Section 2(b) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, provided that: "A reference to a law replaced by section 1 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act."

Outstanding Orders, Rules, and Regulations

Section 2(c) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, provided that: "An order, rule, or regulation in effect under a law replaced by section 1 of this Act shall continue in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded."

Savings Provision

Section 2(d) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, provided that: "An action taken or an offense committed under a law replaced by section 1 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act."

Legislative Construction

Section 2(e) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1306, provided that: "An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of its caption or catchline."

Separability of Provisions

Section 2(f) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1306, provided that: "If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications."

Repeals

Section 3 of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1306, repealed the sections or parts thereof of the Revised Statutes or Statutes at Large codified in this title, except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun, before October 22, 1968, and except as provided by section 2 of Pub. L. 90-620.

Cross References

Acts and resolutions: formalities of enactment, repeals, and sealing of instruments, see section 101 et seq. of Title 1, General Provisions.

Administrative procedure, public information: agency rules, opinions, orders, records, and proceedings, see section 552 of Title 5, Government Organization and Employees.

American Printing House for the Blind, see section 101 et seq. of Title 20, Education.

Cataloging and standardization, coordination of Administrator of General Services and Secretary of Defense, see section 2456 of Title 10, Armed Forces.

Code of Laws of United States and Supplements, District of Columbia Code and Supplements, see section 201 et seq. of Title 1, General Provisions; section 285b of Title 2, The Congress.

Collections of Government Printing Office accessible to investigators and students, see section 91 of Title 20, Education.

Congressional provisions: elections, organization, compensation, officers and employees, Library of Congress, and procedures, see generally Title 2, The Congress.

Crimes—

- Printing contracts, see section 442 of Title 18, Crimes and Criminal Procedure.
- Printing obligations, securities, and postage stamps of United States and foreign countries, authorization notwithstanding counterfeiting and forgery prohibitions, see section 504 of Title 18.
- Public officers and employees, see section 1901 et seq. of Title 18.
- Records and reports, see section 2071 et seq. of Title 18.

Employees: employment, retention and performance, see Title 5, Government Organization and Employees.

Executive provisions generally, see Title 3, The President.

Executive reorganization, general provisions and effective date and publication of reorganization plans, see chapter 9 of Title 5, Government Organization and Employees.

Food stamp program, printing of coupons for, see section 2016 of Title 7, Agriculture.

General Services Administration, see section 751 et seq. of Title 40, Public Buildings, Property, and Works.

Library of Congress, see section 131 et seq. of Title 2, The Congress.

Management and disposal of Government property, see chapter 10 of Title 40, Public Buildings, Property, and Works.

Official territorial papers, see section 141 et seq. of Title 4, Flag and Seal, Seat of Government, and the States.

Patent and Trademark Office library, see section 8 of Title 35, Patents.

Prints defined under Foreign Agents Registration Act, see section 611 of Title 22, Foreign Relations and Intercourse.

Standard reference data program, see section 201 et seq. of Title 15, Commerce and Trade.

Walsh-Healey Act, see sections 35-45 of Title 41, Public Contracts.

TITLE REFERRED TO IN OTHER SECTIONS

This title is referred to in title 30 section 1809; title 40 section 474.

CHAPTER 1—JOINT COMMITTEE ON PRINTING

Sec.
101. Joint Committee on Printing: membership.
102. Joint Committee on Printing: succession; powers during recess.
103. Joint Committee on Printing: remedial powers.

FEDERAL RECORDS MANAGEMENT PROVISIONS WITHOUT EFFECT ON CHAPTER

Authority and responsibilities under chapter not limited or repealed by Federal Records Management Amendments of 1976, see section 5(b) of Pub. L. 94-575, set out as a note under section 2901 of this title.

§ 101. Joint Committee on Printing: membership

The Joint Committee on Printing shall consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House of Representatives.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1238; Pub. L. 97-4, Feb. 17, 1981, 95 Stat. 6.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 1 (Jan. 12, 1895, ch. 23, § 1, 28 Stat. 601; Aug. 2, 1946, ch. 753, title II, § 222, 60 Stat. 838).

Last seven words in the statute, "who shall have the powers hereinafter stated", are omitted as unnecessary since the powers of the Committee are stated in other sections.

AMENDMENTS

1981—Pub. L. 97-4 substituted "four members" for "two members" in two places.

SHORT TITLE OF 1986 AMENDMENTS

Pub. L. 99-500, § 101(m) [title VIII, § 801], Oct. 18, 1986, 100 Stat. 1783-308, 1783-335, and Pub. L. 99-591, § 101(m) [title VIII, § 801], Oct. 30, 1986, 100 Stat. 3341-308, 3341-335, provided that: "This title [amending sections 3501 to 3507, 3511, 3514, and 3520 of this title and sections 751, 757, and 759 of Title 40, Public Buildings, Property, and Works, enacting provisions set out as notes under section 3503 of this title and section 757 of Title 40, amending provisions set out as a note under section 3503 of this title, and repealing provisions set out as a note under section 759 of Title 40] may be cited as the 'Paperwork Reduction Reauthorization Act of 1986'."

Pub. L. 99-323, § 1, May 27, 1986, 100 Stat. 495, provided: "That this Act [amending sections 2101 and 2112 of this title and enacting a provision set out as a note under section 2112 of this title] may be cited as the 'Presidential Libraries Act of 1986'."

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-497, § 1, Oct. 19, 1984, 98 Stat. 2280, provided: "That this Act [enacting sections 2103 to 2106 of this title and provisions set out as notes under sections 101 and 2102 of this title, redesignating existing sections 2103 to 2114 as sections 2107 to 2118 of this title, amending sections 710, 711, 729, 1501 to 1503, 1506, 1714, 2101, 2102, 2107 to 2118, 2204, 2205, 2301 to 2305, 2307, 2501, 2504, 2506, 2901 to 2909, 3102 to 3106, 3302 to 3303a, 3308, 3310, 3311, 3504, and 3513 of this title and provisions set out as a note under section 2111 of this title, sections 106a, 106b, 112, 113, and 201 of Title 1, General Provisions, sections 6 and 11 to 13 of Title 3, The President, sections 141 to 145 of Title 4, Flag and Seal, Seat of Government, and the States, sections 552a and 5314 of Title 5, Government Organization and Employees, section 199a of Title 25, Indians, and repealing section 2507 of this title] may be cited as the 'National Archives and Records Administration Act of 1984'."

SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96-511, § 1, Dec. 11, 1980, 94 Stat. 2812, provided: "That this Act [enacting sections 3501 to 3520 of this title, amending sections 2904 and 2905 of this title, section 5315 of Title 5, Government Organizations and Employees, section 1221-3 of Title 20, Education, section 1211 of Title 30, Mineral Lands and Mining, and section 292h of Title 42, The Public Health and Welfare, omitting former sections 3501 to 3512 of this title, and enacting provisions set out as notes under sections 3501 and 3503 of this title] may be cited as the 'Paperwork Reduction Act of 1980'."

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-591, § 1, Nov. 4, 1978, 92 Stat. 2523, provided: "That this Act [enacting sections 2201 to 2207 of this title, amending sections 2111 and 2112 of this title, and enacting provisions set out as notes under section 2201 of this title] may be cited as the 'Presidential Records Act of 1978'."

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-575, § 1, Oct. 21, 1976, 90 Stat. 2723, provided that: "This Act [amending sections 2107, 2112, 2115, 2116, 2901, 2902, 2904, 2906, 2907, 3102, 3103, 3107, 3301, and 3302 of this title, repealing section 2910 of this title, and enacting provisions set out as a note under section 2901 of this title] may be cited as the 'Federal Records Management Amendments of 1976'."

SHORT TITLE OF 1974 AMENDMENT

Pub. L. 93-526, title II, § 201, Dec. 19, 1974, 88 Stat. 1698, provided that: "This title [enacting sections 3315 to 3324 of this title] may be cited as the 'Public Documents Act'."

§ 102. Joint Committee on Printing: succession; powers during recess

The members of the Joint Committee on Printing who are reelected to the succeeding Congress shall continue as members of the committee until their successors are chosen. The President of the Senate and the Speaker of the House of Representatives shall, on the last

day of a Congress, appoint members of their respective Houses who have been elected to the succeeding Congress to fill vacancies which may then be about to occur on the Committee, and the appointees and members of the Committee who have been reelected shall continue until their successors are chosen.

When Congress is not in session, the Joint Committee may exercise all its powers and duties as when Congress is in session.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1238.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 2 (Mar. 2, 1895, ch. 189, § 1, 28 Stat. 962; Mar. 3, 1917, ch. 163, § 6, 39 Stat. 1121).

Changes are made in phraseology.

§ 103. Joint Committee on Printing: remedial powers

The Joint Committee on Printing may use any measures it considers necessary to remedy neglect, delay, duplication, or waste in the public printing and binding and the distribution of Government publications.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1239.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 4 (Jan. 12, 1895, ch. 23, § 2, 28 Stat. 601; Mar. 1, 1907, ch. 2284, § 1, 34 Stat. 1012; Mar. 1, 1919, ch. 86, § 11, 40 Stat. 1270).

Only that portion of section 11 of the 1919 Act that precedes the proviso is included in this section. The balance is incorporated in section 501 of this revision.

Changes are made in phraseology.

PROCUREMENT OF SERVICES OF CONSULTANTS

Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 669, provided in part: "That, effective October 1, 1977, the Joint Committee is authorized (1) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under subsection (i) of section 202 of the Legislative Reorganization Act of 1946, as amended [section 72a(i) of Title 2, The Congress], and (2) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel, information, and facilities of any such agency: *Provided further*, That, prior to the employment of any consultants or the procurement of services by contract relative to any review and analysis of the operation of the Government Printing Office, the Joint Committee shall consult with the Legislative Branch Appropriations Subcommittees of the House and Senate; and that periodic reports on the progress of any such review and analysis be submitted to the Joint Committee on Printing and the Legislative Branch Appropriations Subcommittees of the House and Senate."

Prior similar provisions were contained in Pub. L. 94-303, title I, § 119, June 1, 1976, 90 Stat. 616.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1914 of this title.

CHAPTER 3—GOVERNMENT PRINTING OFFICE

Sec.
301. Public Printer: appointment.
302. Deputy Public Printer: appointment; duties.
303. Public Printer and Deputy Public Printer: pay.
304. Public Printer: vacancy in office.
305. Public Printer: employees; pay.
306. Public Printer: employment of skilled workmen; trial of skill.
307. Public Printer: night work.
308. Disbursing officer; deputy disbursing officer; certifying officers and employees.
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313. Examining boards: paper; bindery materials; machinery.
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315. Branches of Government Printing Office; limitations.
316. Detail of employees of Government Printing Office to other Government establishments.
317. Special policemen.

AMENDMENTS

1985—Pub. L. 99-151, title III, § 305(b)(2), Nov. 13, 1985, 99 Stat. 808, inserted "; contract negotiation authority" in item 311.

1975—Pub. L. 94-82, title II, § 204(c)(2), Aug. 9, 1975, 89 Stat. 421, substituted "pay" for "compensation" in item 303.

1974—Pub. L. 93-459, § 1(b), Oct. 20, 1974, 88 Stat. 1385, substituted "Disbursing officer; deputy disbursing officer; certifying officers and employees." for "Disbursing officer: continuation and settlement of accounts during vacancy in office; responsibility for accounts; disbursements for Superintendent of Documents." in item 308.

1972—Pub. L. 92-310, title II, § 210(a)(3), June 6, 1972, 86 Stat. 204, struck out "; bond" in item 301.

1970—Pub. L. 91-359, § 1(b), July 31, 1970, 84 Stat. 668, added item 317.

FEDERAL RECORDS MANAGEMENT PROVISIONS WITHOUT EFFECT ON CHAPTER

Authority and responsibilities under chapter not limited or repealed by Federal Records Management Amendments of 1976, see section 5(b) of Pub. L. 94-575, set out as a note under section 2901 of this title.

§ 301. Public Printer: appointment

The President of the United States shall nominate and, by and with the advice and consent of the Senate, appoint a suitable person, who must be a practical printer and versed in the art of bookbinding, to take charge of and manage the Government Printing Office. His title shall be Public Printer.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1239; Pub. L. 92-310, title II, § 210(a)(1), (2), June 6, 1972, 86 Stat. 204.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 31 (Jan. 12, 1895, ch. 23, § 17, 28 Stat. 603; June 12, 1917, ch. 27, § 1, 40 Stat. 173; Feb. 20, 1923, ch. 98, 42 Stat. 1278; Mar. 4, 1925, ch. 549, § 1, 43 Stat. 1299; May 29, 1928, ch. 909, 45 Stat. 1006).

Changes are made in phraseology.

AMENDMENTS

1972—Pub. L. 92-310 struck out "; bond" in section catchline, and provisions from text which required the Public Printer to give a bond in the sum of $25,000.

§ 302. Deputy Public Printer: appointment; duties

The Public Printer shall appoint a suitable person, who must be a practical printer and versed in the art of bookbinding, to be the Deputy Public Printer. He shall perform the duties formerly required of the chief clerk, supervise the buildings occupied by the Government Printing Office, and perform any other duties required of him by the Public Printer.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1239.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 39 (May 27, 1908, ch. 200, § 1, 35 Stat. 382).

Phraseology is changed to conform with section 301 of this revision.

§ 303. Public Printer and Deputy Public Printer: pay

The annual rate of pay for the Public Printer shall be a rate which is equal to the rate for level IV of the Executive Schedule of subchapter II of chapter 53 of title 5. The annual rate of pay for the Deputy Public Printer shall be a rate which is equal to the rate for level V of such Executive Schedule.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1239; Pub. L. 94-82, title II, § 204(c)(1), Aug. 9, 1975, 89 Stat. 421.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 39a (Pub. L. 88-426, title II, § 203(c), (d), Aug. 14, 1964, 78 Stat. 415, as amended Pub. L. 90-206, title II, § 219(2), (3), Dec. 16, 1967, 81 Stat. 639.)

REFERENCES IN TEXT

Levels IV and V of the Executive Schedule, referred to in text, are set out in sections 5315 and 5316, respectively, of Title 5, Government Organization and Employees.

AMENDMENTS

1975—Pub. L. 94-82 substituted "pay" for "compensation" in section catchline, and substituted provisions setting the rate of pay for the Public Printer at a rate equal to the rate for level IV of the Executive Schedule and the rate of pay for Deputy Public Printer at a rate equal to the rate for level V of such Schedule for provisions setting the compensation of the Public Printer and the Deputy Public Printer at the rate of $28,750 and $27,500 per annum, respectively.

SALARY INCREASES

1987—Salaries of Public Printer and Deputy Public Printer increased respectively to $77,500 and $72,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

1977—Salaries of the Public Printer and Deputy Public Printer increased respectively to $50,000 and $47,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2.

1969—Salaries of the Public Printer and Deputy Public Printer increased respectively from $28,750 and $27,500 to $38,000 and $36,000 per annum, commencing on the first day of the pay period which begins after Feb. 14, 1969, on recommendation of the President of the United States, see note set out under section 358 of Title 2.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 356.

§ 304. Public Printer: vacancy in office

In case of the death, resignation, absence, or sickness of the Public Printer, the Deputy Public Printer shall perform the duties of the Public Printer until a successor is appointed or his absence or sickness ceases; but the President may direct any other officer of the Government, whose appointment is vested in the President by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the Public Printer ceases. A vacancy occasioned by death or resignation may not be filled temporarily under this section for longer than ten days, and a temporary appointment, designation, or assignment of another officer may not be made except to fill a vacancy happening during a recess of the Senate.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1239.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 32 (Jan. 12, 1895, ch. 23, § 36, 28 Stat. 606; May 27, 1908, ch. 200, § 1, 35 Stat. 382.)

§ 305. Public Printer: employees; pay

(a) The Public Printer may employ journeymen, apprentices, laborers, and other persons necessary for the work of the Government Printing Office at rates of wages and salaries, including compensation for night and overtime work, he considers for the interest of the Government and just to the persons employed, except as otherwise provided by this section. He may not employ more persons than the necessities of the public work require nor more than four hundred apprentices at one time. The minimum pay of journeymen printers, pressmen, and bookbinders employed in the Government Printing Office shall be at the rate of 90 cents an hour for the time actually employed. Except as provided by the preceding part of this section the rate of wages, including compensation for night and overtime work, for more than ten employees of the same occupation shall be determined by a conference between the Public Printer and a committee selected by the trades affected, and the rates and compensation so agreed upon shall become effective upon approval by the Joint Committee on Printing. When the Public Printer and the committee representing the trade fail to agree as to wages, salaries, and compensation, either party may appeal to the Joint Committee on Printing, and the decision of the Joint Committee is final. The wages, salaries, and compensation so determined are not subject to change oftener than once a year.

(b) The Public Printer may grant an employee paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1240; Pub. L. 91-167, Dec. 26, 1969, 83 Stat. 453; Pub. L. 91-369, July 31, 1970, 84 Stat. 693.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 40 (Jan. 12, 1895, ch. 23, §§ 39, 49, 50, 28 Stat. 607, 608; June 6, 1900, ch. 791, § 1, 31 Stat. 643; Mar. 4, 1909, ch. 299, § 1, 35 Stat. 1021, 1024; Aug. 24, 1912, ch. 355, § 1, 37 Stat. 482; July 8, 1918, ch. 139, § 1, 40 Stat. 836; Aug. 2, 1919, ch. 30, 41 Stat. 272; Feb. 20, 1923, ch. 98, 42 Stat. 1278; June 7, 1924, ch. 354, § 1, 43 Stat. 658).

Last sentence of this section was deleted as executed.

AMENDMENTS

1970—Pub. L. 91-369 designated existing provisions as subsec. (a) and added subsec. (b).

1969—Pub. L. 91-167 substituted "four hundred" for "two hundred" as the number of apprentices which the Public Printer may employ at one time.

REPEALS

General repealer of provisions inconsistent with Pub. L. 92-392 as not repealing or affecting this section, see section 13 of Pub. L. 92-392, set out as a note under section 5341 of Title 5, Government Organization and Employees.

CROSS REFERENCES

Classification of government employees and pay rates and systems, including General Schedule, see sections 5101 et seq., 5301 et seq., and section 5332 of Title 5, Government Organization and Employees.

Classification of positions, provisions inapplicable to employees of Government Printing Office with pay fixed hereunder, see section 5102 of Title 5.

Fair Labor Standards Act minimum wage and maximum hours provisions, see sections 206 and 207 of Title 29, Labor.

Performance rating of employees of Government Printing Office, see chapter 43 of Title 5, Government Organization and Employees.

Superintendent of Documents, additional pay of employees for night, Sunday, holiday, and overtime work as determined hereunder, see section 1704 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1704 of this title; title 5 sections 5102, 5349.

§ 306. Public Printer: employment of skilled workmen; trial of skill

The Public Printer shall employ workmen who are thoroughly skilled in their respective branches of industry, as shown by trial of their skill under his direction.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1240.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 41 (Jan. 12, 1895, ch. 23, § 45, 28 Stat. 607).

§ 307. Public Printer: night work

The Public Printer shall cause the public printing in the Government Printing Office to be done at night as well as through the day, when the exigencies of the public service require it.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1240.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 42 (Jan. 12, 1895, ch. 23, § 47, 28 Stat. 607).

§ 308. Disbursing officer; deputy disbursing officer; certifying officers and employees

(a) The Public Printer shall appoint from time to time a disbursing officer of the Government Printing Office (including the Office of the Superintendent of Documents) who shall be under the direction of the Public Printer. The disbursing officer shall (1) disburse moneys of the Government Printing Office only upon, and in strict accordance with, vouchers certified by the Public Printer or by an officer or employee of the Government Printing Office authorized in writing by the Public Printer to certify such vouchers, (2) make such examination of vouchers as may be necessary to ascertain whether they are in proper form, certified, and approved, and (3) be held accountable accordingly. However, the disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate, the responsibility for which, under subsection (c) of this section, is imposed upon a certifying officer or employee of the Government Printing Office.

(b)(1) Upon the death, resignation, or separation from office of the disbursing officer, his accounts may be continued, and payments and collection may be made in his name, by any individual designated as a deputy disbursing officer by the Public Printer, for a period of time not to extend beyond the last day of the second month following the month in which the death, resignation, or separation occurred. Accounts and payments shall be allowed, audited, and settled, and checks signed in the name of the former disbursing officer by a deputy disbursing officer shall be honored in the same manner as if the former disbursing officer had continued in office.

(2) A former disbursing officer of the Government Printing Office or his estate may not be subject to any legal liability or penalty for the official accounts or defaults of the deputy disbursing officer acting in the name or in the place of the former disbursing officer. Each deputy disbursing officer is responsible for accounts entrusted to him under paragraph (1) of this subsection, and the deputy disbursing officer is liable for any default occurring during his service under such paragraph.

(c)(1) The Public Printer may designate in writing officers and employees of the Government Printing Office to certify vouchers for payment from appropriations and funds. Such officers and employees shall (A) be responsible for the existence and correctness of the facts recited in the certificate or other voucher or its supporting papers and for the legality of the proposed payment under the appropriation or funds involved, (B) be responsible and accountable for the correctness of the computations of certified vouchers, and (C) be accountable for, and required to make restitution to, the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

However, the Comptroller General of the United States, may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds that (i) the certification was based on the official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts, or (ii) when the obligation was incurred in good faith, the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment. The Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 3726 of title 31, whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land grant deductions.

(2) The liability of such certifying officers or employees shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. Such certifying officers and employees shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1240; Pub. L. 92-310, title II, § 210(b), June 6, 1972, 86 Stat. 204; Pub. L. 93-459, § 1(a), Oct. 20, 1974, 88 Stat. 1384; Pub. L. 95-473, § 2(a)(5), Oct. 17, 1978, 92 Stat. 1466; Pub. L. 97-258, § 3(m)(1), Sept. 13, 1982, 96 Stat. 1066.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §§ 52a, 63, 73 (part) (June 25, 1910, ch. 384, § 1, 36 Stat. 770; Feb. 20, 1923, ch. 98, 42 Stat. 1278; Pub. L. 86-31, May 26, 1959, 73 Stat. 60).

The last paragraph of this section is from former section 73; the remainder of that section will be found in section 1702 of the revision.

Paragraph (a) deleted as executed.

AMENDMENTS

1982—Subsec. (c)(1). Pub. L. 97-258 substituted "section 3726 of title 31" for "section 244 of title 31".

1978—Subsec. (c)(1). Pub. L. 95-473 substituted "section 244 of title 31" for "section 66 of title 49".

1974—Pub. L. 93-459 substituted "Disbursing officer; deputy disbursing officer; certifying officers and employees" for "Disbursing officer: continuation and settlement of accounts during vacancy in office; responsibility for accounts; disbursements for Superintendent of Documents" in section catchline.

Subsec. (a). Pub. L. 93-459 added subsec. (a). Former subsec. (a) redesignated (b)(1).

Subsec. (b)(1). Pub. L. 93-459 redesignated provisions of former subsec. (a) as subsec. (b)(1) and substituted "by any individual designated as a deputy disbursing officer by the Public Printer" for "by the deputy disbursing officer or officers designated by the Public Printer".

Subsec. (b)(2). Pub. L. 93-459 redesignated provisions of former subsec. (b) as subsec. (b)(2) and substituted "paragraph (1) of this subsection" for "subsection (a) of this section", and "under such paragraph" for "under subsection (a) of this section".

Subsec. (c). Pub. L. 93-459 added subsec. (c). Former subsec. (c), relating to disbursements on account of salaries or other expenses of the office of the Superintendent of Documents, was struck out.

1972—Subsec. (b). Pub. L. 92-310 struck out provisions which related to sureties on official bonds.

§ 309. Revolving fund for operation and maintenance of Government Printing Office: capitalization; reimbursements and credits; accounting and budgeting; reports

(a) The revolving fund of $1,000,000 established July 1, 1953, is available without fiscal year limitation, for—

the operation and maintenance of the Government Printing Office, except the Office of Superintendent of Documents, including rental of buildings;

attendance at meetings not to exceed $3,000 in any fiscal year;

maintenance and operation of the emergency room;

uniforms, or allowances therefor, as authorized by section 5901 of Title 5;

boots, coats, and gloves;

repairs and minor alterations to buildings; and

expenses authorized in writing by the Joint Committee on Printing for inspection of Government printing activities.

In addition, the Public Printer shall provide capital for the fund by capitalizing, at fair and reasonable values as jointly determined by him and the Comptroller General, the current inventories, plant, and building appurtenances, except building structures and land, equipment, and other assets of the Government Printing Office.

(b) The fund shall be:

(1) reimbursed for the cost of all services and supplies furnished, including those furnished other appropriations of the Government Printing Office, at rates which include charges for overhead and related expenses, depreciation of plant and building appurtenances, except building structures and land, and equipment, and accrued leave;

(2) credited with all receipts including sales of Government publications, waste, condemned, and surplus property and with payments received for losses or damage to property; and

(3) charged with payment into miscellaneous receipts of the Treasury of that part of the receipts from the sales of Government publications required by law.

(c) An adequate system of accounts for the fund shall be maintained on the accrual method, and financial reports prepared on the basis of the accounts. The Public Printer shall prepare and submit an annual business-type budget program for the operations under this fund. The Comptroller General shall audit the activities of the Government Printing Office at least once in every three years and shall furnish reports of such audits to the Congress and the Public Printer. For these purposes the Comptroller General shall have such access to the records, files, personnel, and facilities of

the Government Printing Office as he considers necessary.

(d) Commencing with the fiscal year 1969, the annual business-type budget for the fund shall be considered and enacted as prescribed by section 9104 of title 31.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1241; Pub. L. 93-604, title VII, § 707, Jan. 2, 1975, 88 Stat. 1965; Pub. L. 97-258, § 3(m)(2), Sept. 13, 1982, 96 Stat. 1066.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 63, 63a (Aug. 1, 1953, ch. 304, title I, § 101, 67 Stat. 330; Aug. 5, 1955, ch. 568, § 101, 69 Stat. 519; June 27, 1956, ch. 453, § 101, 70 Stat. 369); § 63a (July 28, 1967, Pub. L. 90-57, § 101 (part), 81 Stat. 141).

AMENDMENTS

1982—Subsec. (d). Pub. L. 97-258 substituted "section 9104 of title 31" for "section 849 of title 31".

1975—Subsec. (c). Pub. L. 93-604 substituted provisions that the Comptroller General shall audit the activities of the Government Printing Office at least once in every three years and furnish reports of the audits to the Congress and the Public Printer for provisions that the General Accounting Office shall audit the activities of the Government Printing Office and furnish an audit report annually to the Congress and the Public Printer.

FEDERAL REGISTER PROGRAM; USE OF REVOLVING FUND; REIMBURSEMENT

Title II of S. 2939, Ninety-seventh Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by reference in Pub. L. 97-276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, to be effective as if enacted into law, provided in part: "That hereafter the revolving fund shall be available to finance the costs of printing and binding all other publications of the Federal Register program and be reimbursed from appropriated funds available therefor".

CROSS REFERENCES

Accounting and auditing, see section 3501 et seq. of Title 31, Money and Finance.

Annual report of Public Printer, printing and distribution, see section 1340 of this title.

Audit and settlement of accounts, see section 3521 et seq. of Title 31, Money and Finance.

Budget process, see section 1101 et seq. of Title 31.

Receipts from sales, disposition—

Documents see section 1702 of this title.

Federal Register, see section 1509 of this title.

Government publications, additional copies, see section 1708 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1509 of this title.

§ 310. Payments for printing, binding, blank paper, and supplies

An executive department or independent establishment of the Government ordering printing and binding or blank paper and supplies from the Government Printing Office shall pay promptly by check to the Public Printer upon his written request, either in advance or upon completion of the work, all or part of the estimated or actual cost, as the case may be, and bills rendered by the Public Printer are not subject to audit or certification in advance of payment. Adjustments on the basis of the actual cost of delivered work paid for in advance shall be made monthly or quarterly and as may be agreed by the Public Printer and the department or establishment concerned.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1241.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 230 (Aug. 1, 1953, ch. 304, title I, § 101, 67 Stat. 331).

§ 311. Purchases exempt from the Federal Property and Administrative Services Act; contract negotiation authority

(a) Purchases may be made from appropriations under the "Government Printing Office" without reference to the Federal Property and Administrative Services Act, approved June 30, 1949, as amended, concerning purchases for the Federal Government.

(b) In addition to the authority to negotiate otherwise provided by law, the Public Printer may negotiate purchases and contracts for supplies or services for which the Public Printer determines that it is impracticable to secure competition by advertising. The Public Printer may not award a contract under this subsection unless he justifies the use of negotiation in writing and certifies the accuracy and completeness of the justification. The justification shall set out facts and circumstances that clearly and convincingly establish that advertising would not be practicable for such contract. Such a justification is final and a copy thereof shall be maintained in the Government Printing Office for at least 6 years after the date of the determination. The Public Printer may designate one or more employees of the Government Printing Office to carry out this subsection.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1242; Pub. L. 99-151, title III, § 305(a), (b)(1), Nov. 13, 1985, 99 Stat. 808.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 64 (Aug. 1, 1953, ch. 304, title I, § 102, 67 Stat. 332).

Reference to Printing Act of 1895 deleted as superseded by section 309.

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to purchases are classified to subchapter IV (§ 251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40, Public Buildings, Property, and Works, and Tables.

AMENDMENTS

1985—Pub. L. 99-151, § 305(b)(1), inserted "; contract negotiation authority" in section catchline.

Pub. L. 99-151, § 305(a), designated existing provisions as subsec. (a), and added subsec. (b).

§ 312. Machinery, material, equipment, or supplies from other Government agencies

An officer of the Government having machinery, material, equipment, or supplies for printing, binding, and blank-book work, including lithography, photolithography, and other proc-

esses of reproduction, no longer required or authorized for his service, shall submit a detailed report of them to the Public Printer. The Public Printer, with the approval of the Joint Committee on Printing, may requisition such articles as are serviceable in the Government Printing Office, and they shall be promptly delivered to that office.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1242.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 59 (July 19, 1919, ch. 24, § 3, 41 Stat. 233).

§ 313. Examining boards: paper; bindery materials; machinery

The Deputy Public Printer, the superintendent of printing, and a person designated by the Joint Committee on Printing, shall constitute a board to examine and report in writing on paper delivered under contract, or by purchase or otherwise, at the Government Printing Office.

The Deputy Public Printer, the superintendent of binding, and a person designated by the Joint Committee on Printing shall constitute a board to examine and report in writing on material, except paper, for the use of the bindery.

The Deputy Public Printer, the superintendent of printing, and a person designated by the Joint Committee on Printing shall constitute a board of condemnation, who, upon the call of the Public Printer, shall determine the condition of presses and other machinery and material used in the Government Printing Office, with a view to condemnation.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1242.)

HISTORICAL AND REVISION NOTES

Based on U.S. Code, 1964 ed., § 49 (Jan. 12, 1895, ch. 23, § 20, 28 Stat. 603; May 27, 1908, ch. 200, § 1, 35 Stat. 382; June 7, 1924, ch. 303, § 1, 43 Stat. 509).

CROSS REFERENCES

Comparison of paper and envelopes with standard quality, see section 513 of this title.

Joint Committee on Printing determination of quality of paper, see section 514 of this title.

§ 314. Inks, glues, and other supplies furnished to other Government agencies: payment

Inks, glues, and other supplies manufactured by the Government Printing Office in connection with its work may be furnished to departments and other establishments of the Government upon requisition, and payment made from appropriations available.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1242.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 62 (June 30, 1932, ch. 314; pt. I, § 1, 47 Stat. 397).

§ 315. Branches of Government Printing Office; limitations

Money appropriated by any Act may not be used for maintaining more than one branch of the Government Printing Office in any one building occupied by an executive department of the Government, and a branch of the Government Printing Office may not be established unless specifically authorized by law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1242.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 61 (Aug. 1, 1914, ch. 223, § 1, 38 Stat. 673).

§ 316. Detail of employees of Government Printing Office to other Government establishments

An employee of the Government Printing Office may not be detailed to duties not pertaining to the work of public printing and binding in an executive department or other Government establishment unless expressly authorized by law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1242.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 47 (June 25, 1910, ch. 384, § 1, 36 Stat. 770).

§ 317. Special policemen

The Public Printer or his delegate may designate employees of the Government Printing Office to serve as special policemen to protect persons and property in premises and adjacent areas occupied by or under the control of the Government Printing Office. Under regulations to be prescribed by the Public Printer, employees designated as special policemen are authorized to bear and use arms in the performance of their duties; make arrest for violations of laws of the United States, the several States, and the District of Columbia; and enforce the regulations of the Public Printer, including the removal from Government Printing Office premises of individuals who violate such regulations. The jurisdiction of special policemen in premises occupied by or under the control of the Government Printing Office and adjacent areas shall be concurrent with the jurisdiction of the respective law enforcement agencies where the premises are located.

(Added Pub. L. 91-359, § 1(a), July 31, 1970, 84 Stat. 668.)

CHAPTER 5—PRODUCTION AND PROCUREMENT OF PRINTING AND BINDING

Sec.
501. Government printing, binding, and blank-book work to be done at Government Printing Office.
502. Procurement of printing, binding, and blank-book work by Public Printer.
503. Printing in veterans' hospitals.
504. Direct purchase of printing, binding, and blank-book work by Government agencies.
505. Sale of duplicate plates.
506. Time for printing documents or reports which include illustrations or maps.
507. Orders for printing to be acted upon within one year.
508. Annual estimates of quantity of paper required for public printing and binding.
509. Standards of paper; advertisements for proposals; samples.
510. Specifications in advertisements for paper.
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Sec.
512. Approval of paper contracts; time for performance; bonds.
513. Comparison of paper and envelopes with standard quality.
514. Determination of quality of paper.
515. Default of contractor; new contracts and purchase in open market.
516. Liability of defaulting contractor.
517. Purchase of paper in open market.

AMENDMENTS

1976—Pub. L. 94-553, § 105(a)(2), Oct. 19, 1976, 90 Stat. 2599, struck out "; copyright" after "plates" in item 505.

FEDERAL RECORDS MANAGEMENT PROVISIONS WITHOUT EFFECT ON CHAPTER

Authority and responsibilities under chapter not limited or repealed by Federal Records Management Amendments of 1976, see section 5(b) of Pub. L. 94-575, set out as a note under section 2901 of this title.

§ 501. Government printing, binding, and blank-book work to be done at Government Printing Office

All printing, binding, and blank-book work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office and establishment of the Government, shall be done at the Government Printing Office, except—

(1) classes of work the Joint Committee on Printing considers to be urgent or necessary to have done elsewhere; and

(2) printing in field printing plants operated by an executive department, independent office or establishment, and the procurement of printing by an executive department, independent office or establishment from allotments for contract field printing, if approved by the Joint Committee on Printing.

Printing or binding may be done at the Government Printing Office only when authorized by law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1243.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 111 and 116 (part) (Jan. 12, 1895, ch. 23, §§ 86, 87, 28 Stat. 662; Mar. 1, 1919, ch. 86, § 11, 40 Stat. 1270; July 5, 1949, ch. 296, 63 Stat. 405).

This section incorporates only the first sentence of former section 116. The balance will be found in section 1123 of the revision.

CROSS REFERENCES

American Battle Monuments Commission, printing authority, see section 138b of Title 36, Patriotic Societies and Observances.

Engraving and printing currency and security documents by Secretary of Treasury, see section 5114 of Title 31, Money and Finance.

Expenditures or obligations in excess of funds prohibited, see section 1341 of Title 31.

Federal Communications Commission, printing for, see section 154 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

Federal Power Act, expenditures for printing and binding, see section 793 of Title 16, Conservation.

Foreign assistance, use of funds for printing and binding without regard to the provisions of any other law, see section 2396 of Title 22, Foreign Relations and Intercourse.

Form and style of work for departments, see section 1105 of this title.

Joint Committee on Taxation, printing and binding, see section 8021 of Title 26, Internal Revenue Code.

National Science Foundation, publication of scientific and technical information without regard to the provisions of this section, see section 1870 of Title 42, The Public Health and Welfare.

Notes, bonds, and other securities, engraving and printing at the Treasury Department, see section 5114 of Title 31, Money and Finance.

Patent and Trademark Office, limitations and conditions concerning printing and lithographing, see section 1338 of this title.

Peace Corps, use of funds for printing and binding without regard to the provisions of any other law, see section 2514 of Title 22, Foreign Relations and Intercourse.

Printing and binding outside continental United States, Secretary of State to provide when funds appropriated, see section 2669 of Title 22.

Selective Service System, printing for, see section 460 of Appendix to Title 50, War and National Defense.

Senate library, cost limitation on binding for, see section 737 of this title.

Supreme Court, printing and binding, see section 676 of Title 28, Judiciary and Judicial Procedure.

Tax Court reports, publication at Government Printing Office, see section 7462 of Title 26, Internal Revenue Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 503 of this title; title 5 section 4109; title 7 section 285; title 16 sections 916*l*, 961; title 20 sections 954, 956; title 21 section 114c; title 22 sections 272a, 280b, 280i, 280k, 287e, 287r, 290b, 1471, 2024, 2588, 2669; title 33 section 1123; title 42 section 1870.

§ 502. Procurement of printing, binding, and blank-book work by Public Printer

Printing, binding, and blank-book work authorized by law, which the Public Printer is not able or equipped to do at the Government Printing Office, may be produced elsewhere under contracts made by him with the approval of the Joint Committee on Printing.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1243.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 111a (Feb. 28, 1929, ch. 367, § 1, 45 Stat. 1400).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 App. section 460.

§ 503. Printing in veterans' hospitals

Notwithstanding section 501 of this title, the Administrator of Veterans' Affairs may utilize the printing and binding equipment that the various hospitals and homes of the Veterans' Administration use for occupational therapy, for printing and binding which he finds advisable for the use of the Veterans' Administration.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1243.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 111b (June 16, 1933, ch. 101, § 1, 48 Stat. 302; Feb. 2, 1935, ch. 3, § 1, 49 Stat. 18; Mar. 19, 1936, ch. 156, § 1, 49 Stat. 1182).

§ 504. Direct purchase of printing, binding, and blank-book work by Government agencies

The Joint Committee on Printing may permit the Public Printer to authorize an executive department, independent office, or establishment of the Government to purchase direct for its use such printing, binding, and blank-book work, otherwise authorized by law, as the Government Printing Office is not able or suitably equipped to execute or as may be more economically or in the better interest of the Government executed elsewhere.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1243.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 14 (Jan. 12, 1895, ch. 23, § 12, 28 Stat. 602; July 8, 1935, ch. 374, § 1, 49 Stat. 475; Oct. 31, 1951, ch. 654, § 3(10), 65 Stat. 708).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 App. section 2253.

§ 505. Sale of duplicate plates

The Public Printer shall sell, under regulations of the Joint Committee on Printing to persons who may apply, additional or duplicate stereotype or electrotype plates from which a Government publication is printed, at a price not to exceed the cost of composition, the metal, and making to the Government, plus 10 per centum, and the full amount of the price shall be paid when the order is filed.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244; Pub. L. 94-553, § 105(a)(1), Oct. 19, 1976, 90 Stat. 2599.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 58 (Jan. 12, 1895, ch. 23, § 52, 28 Stat. 608).

AMENDMENTS

1976—Pub. L. 94-553 struck out provision that a publication could not be copyrighted if it was reprinted from additional or duplicate plates purchased from the government from which government publications had been printed or if it was reprinted from other government publications.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-553 effective Jan. 1, 1978, see section 102 of Pub. L. 94-553, set out as an Effective Date note preceding section 101 of Title 17, Copyrights.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 section 405.

§ 506. Time for printing documents or reports which include illustrations or maps

A document or report to be illustrated or accompanied by maps may not be printed by the Public Printer until the illustrations or maps designed for it are ready for publication.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 115 (part) (Jan. 12, 1895, ch. 23, § 80, 28 Stat. 621).

This section incorporates only the first clause of former section 115. The balance will be found in section 507 of the revision.

§ 507. Orders for printing to be acted upon within one year

An order for public printing may not be acted upon by the Public Printer after the expiration of one year unless the entire copy and illustrations for the work have been furnished within that period.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 115 (part) (Jan. 12, 1895, ch. 23, § 80, 28 Stat. 621).

This section incorporates only the second clause of former section 115. The balance will be found in section 506 of the revision.

§ 508. Annual estimates of quantity of paper required for public printing and binding

At the beginning of each session of Congress, the Public Printer shall submit to the Joint Committee on Printing estimates of the quantity of paper of all descriptions required for the public printing and binding during the ensuing year.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 36 (Jan. 12, 1895, ch. 23, § 26, 28 Stat. 604).

§ 509. Standards of paper; advertisements for proposals; samples

The Joint Committee on Printing shall fix upon standards of paper for the different descriptions of public printing and binding, and the Public Printer, under their direction, shall advertise in six newspapers or trade journals, published in different cities, for sealed proposals to furnish the Government with paper, as specified in the schedule to be furnished applicants by the Public Printer, setting forth in detail the quality and quantities required for the public printing. The Public Printer shall furnish samples of the standard of papers fixed upon to applicants who desire to bid.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 5 (Jan. 12, 1895, ch. 23, § 3, 28 Stat. 601; Mar. 3, 1925, ch. 421, § 1, 43 Stat. 1105).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 515, 1121 of this title.

§ 510. Specifications in advertisements for paper

The advertisements for proposals shall specify the minimum portion of each quality of paper required for either three months, six months, or one year, as the Joint Committee on Printing determines; but when the minimum portion so specified exceeds, in any case, one thousand reams, it shall state that proposals will be received for one thousand reams or more.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1954 ed., § 6 (Jan. 12, 1895, ch. 23, § 4, 28 Stat. 601).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 515, 1121 of this title.

§ 511. Opening bids; bonds

The sealed proposals to furnish paper and envelopes shall be opened in the presence of the Joint Committee on Printing who shall award the contracts to the lowest and best bidder for the interest of the Government. The committee may not consider a proposal that is not accompanied by a bond with security or certified check in the amount of $5,000, guaranteeing that the bidder if his proposal is accepted, will enter into a formal contract with the United States to furnish the paper or envelopes specified. The Committee may not consider a proposal from a person unknown to it unless accompanied by satisfactory evidence that he is a manufacturer of or dealer in the description of paper or envelopes proposed to be furnished.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 7 (Jan. 12, 1895, ch. 23, § 5, 28 Stat. 602; June 16, 1938, ch. 477, § 3, 52 Stat. 761).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 515, 1121 of this title.

§ 512. Approval of paper contracts; time for performance; bonds

A contract for furnishing paper is not valid until approved by the Joint Committee on Printing. The award of a contract for furnishing paper shall designate a reasonable time for its performance. The contractor shall give bond in an amount fixed and approved by the Committee.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 8 (Jan. 12, 1895, ch. 23, § 6, 28 Stat. 602; Mar. 3, 1917, ch. 163, § 6, 39 Stat. 1121).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 515, 1121 of this title.

§ 513. Comparison of paper and envelopes with standard quality

The Public Printer shall compare every lot of paper and envelopes delivered by a contractor with the standard of quality fixed upon by the Joint Committee on Printing, and may not accept paper or envelopes which do not conform to it in every particular. A lot of delivered paper or envelopes which does not conform to the standard of quality may be accepted by the Committee at a discount that in its opinion is sufficient to protect the interests of the Government.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1245.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 9 (Jan. 12, 1895, ch. 23, § 7, 28 Stat. 602; June 20, 1936, ch. 630, title VIII, § 13, 49 Stat. 1553).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 515, 1121 of this title.

§ 514. Determination of quality of paper

The Joint Committee on Printing shall determine differences of opinion between the Public Printer and a contractor for paper respecting the paper's quality; and the decision of the Committee is final as to the United States.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1245.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 10 (Jan. 12, 1895, ch. 23, § 8, 28 Stat. 602; Mar. 3, 1917, ch. 163, § 6, 39 Stat. 1121).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 515, 1121 of this title.

§ 515. Default of contractor; new contracts and purchase in open market

If a contractor fails to comply with his contract, the Public Printer shall report the default to the Joint Committee on Printing, and under its direction, enter into a new contract with the lowest, best, and most responsible bidder for the interest of the Government among those whose proposals were rejected at the last opening of bids, or he shall advertise for new proposals, under the regulations provided by sections 509-517 of this title. During the interval that may thus occur he may, under the direction of the Joint Committee on Printing, purchase in open market, at the lowest market price, paper necessary for the public printing.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1245.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 11 (Jan. 12, 1895, ch. 23, § 9, 28 Stat. 602; Mar. 3, 1917, ch. 163, § 6, 39 Stat. 1121).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1121 of this title.

§ 516. Liability of defaulting contractor

Upon failure to furnish paper, a contractor and his sureties shall be responsible for any increase of cost to the Government in procuring a supply of the paper consequent upon his default. The Public Printer shall report every default, with a full statement of all the facts in the case, to the General Counsel for the Department of the Treasury, who shall prosecute the defaulting contractor and his sureties upon their bond in the district court of the United States in the district in which the defaulting contractor resides.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1245.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 12 (Jan. 12, 1895, ch. 23, § 10, 28 Stat. 602; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; May 10, 1934, ch. 277, § 512(b), 48 Stat. 759).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 515, 1121 of this title.

§ 517. Purchase of paper in open market

The Joint Committee on Printing may authorize the Public Printer to purchase paper in open market when they consider the quantity required so small or the want so immediate as not to justify advertisement for proposals.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1245.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 13 (Jan. 12, 1895, ch. 23, § 11, 28 Stat. 602; Mar. 3, 1917, ch. 163, § 6, 39 Stat. 1121).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 515 of this title.

CHAPTER 7—CONGRESSIONAL PRINTING AND BINDING

Sec.
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735. Binding for Members of Congress.
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738. Binding of publications for distribution to libraries.
739. Senate and House document rooms; superintendents.
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741. Disposition of documents stored at Capitol.

FEDERAL RECORDS MANAGEMENT PROVISIONS WITHOUT EFFECT ON CHAPTER

Authority and responsibilities under chapter not limited or repealed by Federal Records Management Amendments of 1976, see section 5(b) of Pub. L. 94-575, set out as a note under section 2901 of this title.

§ 701. "Usual number" of documents and reports; distribution of House and Senate documents and reports; binding; reports on private bills; number of copies printed; distribution

(a) The order by either House of Congress to print a document or report shall signify the "usual number" of copies for binding and distribution among those entitled to receive them. A greater number may not be printed unless ordered by either House, or as provided by this section. When a special number of a document or report is ordered printed, the usual number shall also be printed, unless already ordered.

(b) The "usual number" of documents and reports shall be one thousand six hundred and eighty-two copies, which shall be printed at one time and distributed as follows:

Of the House documents and reports, unbound—to the Senate document room, one hundred and fifty copies; to the office of the Secretary of the Senate, ten copies; to the House document room, not to exceed five hundred copies; to the office of the Clerk of the House of Representatives, twenty copies; to the Library of Congress, ten copies, as provided by section 1718 of this title.

Of the Senate documents and reports, unbound—to the Senate document room, two hundred and twenty copies; office of the Secretary of the Senate, ten copies; to the House document room, not to exceed five hundred copies; to the Clerk's office of the House of Representatives, ten copies; to the Library of Congress, ten copies, as provided by section 1718 of this title.

(c) Of the number printed, the Public Printer shall bind a sufficient number of copies for distribution as follows:

Of the House documents and reports, bound—to the Senate library, fifteen copies; to the Library of Congress, not to exceed one hundred and fifty copies, as provided by section 1718 of this title; to the House of Representatives library, fifteen copies; to the Superintendent of Documents, as many copies as are required for distribution to the State libraries and designated depositories.

Of the Senate documents and reports, bound—to the Senate library, fifteen copies; to the Library of Congress, copies as provided by sections 1718 and 1719 of this title; to the House of Representatives library, fifteen copies; to the Superintendent of Documents, as many copies as may be required for distribution to State libraries and designated depositories. In binding documents the Public Printer shall give precedence to those that are to be distributed to libraries and to designated depositories. But a State that may prefer to have its documents in unbound form, may do so by notifying the Superintendent of Documents to that effect prior to the convening of each Congress.

(d) The usual number of reports on private bills, concurrent or simple resolutions, may not be printed. Instead there shall be printed of each Senate report on a private bill, simple or concurrent resolution, in addition to those required to be furnished the Library of Congress, three hundred and forty-five copies, which shall be distributed as follows: to the Senate document room, two hundred and twenty copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies; and of each House report on a private bill, simple or concurrent resolution, in addition to those for the Library of Congress, two hundred and sixty copies, which shall be distributed as follows: to the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies.

This section does not prevent the binding of all Senate and House reports in the reserve volumes bound for and delivered to the Senate and House libraries, nor abridge the right of the Vice President, Senators, Representatives, Resident Commissioner, Secretary of the Senate, and Clerk of the House to have bound in half morocco, or material not more expensive, one copy of every public document to which he may be entitled. At least twelve copies of each report on bills for the payment or adjudication of claims against the Government shall be kept on file in the Senate document room.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1246.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 131 (Jan. 12, 1895, ch. 23, § 54, 28 Stat. 608; Mar. 2, 1901, No. 16, §§ 1, 2, 31 Stat. 1464; Jan. 20, 1905, ch. 50, § 1, 33 Stat. 610; Mar. 1, 1907, ch. 2284, § 4, 34 Stat. 1014; Jan. 15, 1908, No. 3, § 2, 35 Stat. 566; Mar. 4, 1909, ch. 317, 35 Stat. 1067; June 25, 1910, ch. 439, 36 Stat. 868; Mar. 3, 1925, ch. 421, §§ 6, 7, 43 Stat. 1106; June 20, 1936, ch. 630, title IV, § 6, 49 Stat. 1550; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 28b.

§ 702. Extra copies of documents and reports

Copies in addition to the "usual number" of documents and reports shall be printed promptly when ready for publication, and may be bound in paper or cloth as the Joint Committee on Printing directs.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1247.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964, ed., §§ 132, 134 (Jan. 12, 1895, ch. 23, §§ 2, 73, 28 Stat. 601, 612, Mar. 1, 1907, ch. 2284, § 1, 34 Stat. 1013).

§ 703. Printing extra copies

Orders for printing copies in addition to the "usual number", otherwise than provided for by this section, shall be by simple, concurrent, or joint resolution. Either House may print extra copies to the amount of $1,200 by simple resolution; if the cost exceeds that sum, the printing shall be ordered by concurrent resolution, unless the resolution is self-appropriating, when it shall be by joint resolution. Resolutions, when presented to either House, shall be referred to the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, who, in making their report, shall give the probable cost of the proposed printing upon the estimate of the Public Printer; and extra copies may not be printed before the committee has reported. The printing of additional copies may be performed upon orders of the Joint Committee on Printing within a limit of $700 in cost in any one instance.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1247.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 133 (Jan. 12, 1895, ch. 23, § 2, 28 Stat. 601; Mar. 1, 1907, ch. 2284, § 1, 34 Stat. 1013; Apr. 19, 1949, ch. 72, 63 Stat. 48).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 726 of this title.

§ 704. Reprinting bills, laws, and reports from committees not exceeding fifty pages

When the supply is exhausted, the Secretary of the Senate and the Clerk of the House of Representatives may order the reprinting of not more than one thousand copies of a pending bill, resolution, or public law, not exceeding fifty pages, or a report from a committee or congressional commission on pending legislation not accompanied by testimony or exhibits or other appendices and not exceeding fifty pages. The Public Printer shall require each requisition for reprinting to cite the specific authority of law for its execution.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1248.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 137 (Jan. 12, 1895, ch. 23, § 2, 28 Stat. 601; Mar. 1, 1907, ch. 2284, § 1, 34 Stat. 1012).

§ 705. *Duplicate orders to print*

The Public Printer shall examine the orders of the Senate and House of Representatives for printing, and in case of duplication shall print under the first order received.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1248.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 135 (Jan. 12, 1895, ch. 23, § 53, 28 Stat. 608).

§ 706. Bills and resolutions: number and distribution

There shall be printed of each Senate and House public bill and joint resolution six hundred and twenty-five copies, which shall be distributed as follows:

to the Senate document room, two hundred and twenty-five copies;

to the office of Secretary of Senate, fifteen copies;

to the House document room, three hundred and eighty-five copies.

There shall be printed of each Senate private bill, when introduced, when reported, and when passed, three hundred copies, which shall be distributed as follows:

to the Senate document room, one hundred and seventy copies;

to the Secretary of the Senate, fifteen copies;

to the House document room, one hundred copies;

to the Superintendent of Documents, ten copies.

There shall be printed of each House private bill, when introduced, when reported, and when passed two hundred and sixty copies, which shall be distributed as follows:

to the Senate document room, one hundred and thirty-five copies;

to the Secretary of the Senate, fifteen copies;

to the House document room, one hundred copies;

to the Superintendent of Documents, ten copies.

Bills and resolutions shall be printed in bill form, and, unless specially ordered by either House shall be printed only when referred to a committee, when favorably reported back, and after their passage by either House.

Of concurrent and simple resolutions, when reported, and after their passage by either House, only two hundred and sixty copies shall be printed, except by special order, and shall be distributed as follows:

to the Senate document room, one hundred and thirty-five copies;

to the Secretary of the Senate, fifteen copies;

to the House document room, one hundred copies;

to the Superintendent of Documents, ten copies.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1248.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 189 (Jan. 12, 1895, ch. 23, § 55, 28 Stat. 609; Jan. 20, 1905, ch. 50, § 2, 22 Stat. 611).

§ 707. *Bills and resolutions: style and form*

Subject to sections 205 and 206 of Title 1, the Joint Committee on Printing may authorize the printing of a bill or resolution, with index and ancillaries, in the style and form the Joint Committee on Printing considers most suitable in the interest of economy and efficiency, and to so continue until final enactment in both Houses of Congress. The committee may also curtail the number of copies of bills or resolutions, including the slip form of a public Act or public resolution.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1248.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 189a (June 13, 1934, ch. 483, § 3, 48 Stat. 948).

§ 708. Bills and resolutions: binding sets for Congress

The Public Printer shall bind four sets of Senate and House of Representatives bills, joint and concurrent resolutions of each Congress, two for the Senate and two for the House, to be furnished him from the files of the Senate and House document room, the volumes when bound to be kept there for reference.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1249.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 190 (Jan. 12, 1895, ch. 23, § 82, 28 Stat. 622).

§ 709. Public and private laws, postal conventions, and treaties

The Public Printer shall print in slip form copies of public and private laws, postal conventions, and treaties, to be charged to the congressional allotment for printing and binding. The Joint Committee on Printing shall control the number and distribution of copies.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1249.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 191 (Jan. 12, 1895, ch. 23, § 56, 28 Stat. 609; July 10, 1952, ch. 632, § 7, 66 Stat. 541).

CROSS REFERENCES

Distribution of Government publications to the Library of Congress, see section 1718 of this title.

Postal conventions, number of copies to be printed, see section 712 of this title.

Private bills, number and distribution, see section 706 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 711, 712 of this title.

§ 710. Copies of Acts furnished to Public Printer

The Archivist of the United States shall furnish to the Public Printer a copy of every Act and joint resolution, as soon as possible after its approval by the President, or after it has become a law under the Constitution without his approval.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1249; Pub. L. 98-497, title I, § 107(b)(1), Oct. 19, 1984, 98 Stat. 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 191a (R.S. § 210; June 20, 1874, ch. 328, 18 Stat. 88; 1950 Reorg. Plan No. 20, § 1, eff. May 24, 1950; 15 F.R. 3178, 64 Stat. 1272).

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist of the United States" for "Administrator of General Services".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 711. Printing Acts, joint resolutions, and treaties

The Public Printer, on receiving from the Archivist of the United States a copy of an Act or joint resolution, or from the Secretary of State, a copy of a treaty, shall print an accurate copy and transmit it in duplicate to the Archivist of the United States or to the Secretary of State, as the case may be, for revision. On the return of one of the revised duplicates, he shall make the marked corrections and print the number specified by section 709 of this title.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1249; Pub. L. 98-497, title I, § 107(b)(1), Oct. 19, 1984, 98 Stat. 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 192 (R.S. § 3805; Jan. 12, 1895, ch. 23, § 56, 28 Stat. 609; 1950 Reorg. Plan No. 20, § 1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1272).

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist of the United States" for "Administrator of General Services" wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 712. Printing of postal conventions

The Public Printer, on receiving from the Postmaster General a copy of a postal convention between the Postmaster General, on the part of the United States, and an equivalent officer of a foreign government, shall print an accurate copy and transmit it in duplicate to the Postmaster General. On the return of one of the revised duplicates, he shall make the marked corrections and print the number specified by section 709 of this title.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1249.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 193 (R.S. § 3806; June 20, 1874, ch. 328, § 1, 18 Stat. 88; Jan. 12, 1895, ch. 23, § 56, 28 Stat. 609).

TRANSFER OF FUNCTIONS

The office of Postmaster General of the Post Office Department was abolished and all functions, powers, and duties of the Postmaster General were transferred to the United States Postal Service by Pub. L. 91-375, § 4(a), Aug. 12, 1970, 84 Stat. 773, set out as a note under section 201 of Title 39, Postal Service.

§ 713. Journals of Houses of Congress

There shall be printed of the Journals of the Senate and House of Representatives eight hundred and twenty copies, which shall be distributed as follows:

to the Senate document room, ninety copies for distribution to Senators, and twenty-five additional copies;

to the Senate library, ten copies;

to the House document room, three hundred and sixty copies for distribution to Members, and twenty-five additional copies;

to the Department of State, four copies;

to the Superintendent of Documents, one hundred and forty-four copies to be distributed to three libraries in each of the States to be designated by the Superintendent of Documents; and

to the Library of the House of Representatives, ten copies.

The remaining number of the Journals of the Senate and House of Representatives, consisting of twenty-five copies, shall be furnished to the Secretary of the Senate and the Clerk of the House of Representatives, respectively, as the necessities of their respective offices require, as rapidly as signatures are completed for distribution.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1249; Pub. L. 97-164, title I, § 158, Apr. 2, 1982, 96 Stat. 47.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 147 (Jan. 12, 1895, ch. 23, § 57, 28 Stat. 609; Mar. 2, 1901, No. 16, §§ 1, 2, 31 Stat. 1464).

AMENDMENTS

1982—Pub. L. 97-164 substituted "eight hundred and twenty" for "eight hundred and twenty-two" as total number of Journals printed and struck out provision that directed that two copies be distributed to the Court of Claims.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

§ 714. Printing documents for Congress in two or more editions; printing of full number and allotment of full quota

The Joint Committee on Printing shall establish rules to be observed by the Public Printer, by which public documents and reports printed for Congress, or either House, may be printed in two or more editions, to meet the public requirements. The aggregate of the editions may not exceed the number of copies otherwise authorized. This section does not prevent the printing of the full number of a document or report, or the allotment of the full quota to Senators and Representatives, as otherwise au-

thorized, when a legitimate demand for the full complement is known to exist.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1250.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 136 (Mar. 30, 1906, No. 14, 34 Stat. 826).

§ 715. Senate and House documents and reports for Department of State

The Public Printer shall print, in addition to the usual number, and furnish the Department of State twenty copies of each Senate and House of Representatives document and report.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1250.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 138 (Feb. 7, 1896, No. 14, 29 Stat. 463).

§ 716. Printing of documents not provided for by law

Either House may order the printing of a document not already provided for by law, when accompanied by an estimate from the Public Printer as to the probable cost. An executive department, bureau, board, or independent office of the Government submitting reports or documents in response to inquiries from Congress shall include an estimate of the probable cost of printing to the usual number. This section does not apply to reports or documents not exceeding fifty pages.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1250.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 140 (Jan. 12, 1895, ch. 23, § 2, 28 Stat. 601; Mar. 1, 1907, ch. 2284, § 1, 34 Stat. 1013).

§ 717. Appropriation chargeable for printing of document or report by order of Congress

The cost of the printing of a document or report printed by order of Congress which, under section 1107 of this title, cannot be properly charged to another appropriation or allotment of appropriation already made, upon order of the Joint Committee on Printing, shall be charged to the allotment of appropriation for printing and binding for Congress.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1250.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 144 (Jan. 12, 1895, ch. 23, § 2, 28 Stat. 601; Mar. 1, 1907, ch. 2284, § 1, 34 Stat. 1013).

§ 718. Lapse of authority to print

The authority to print a document or report, or a publication authorized by law to be printed, for distribution by Congress, shall lapse when the whole number of copies has not been ordered within two years from the date of the original order, except orders for subsequent editions, approved by the Joint Committee on Printing, in which case the whole number may not exceed that originally authorized by law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1250.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 141 (Mar. 1, 1907, ch. 2284, § 5, 34 Stat. 1014).

§ 719. Classification and numbering of publications ordered printed by Congress; designation of publications of departments; printing of committee hearings

Publications ordered printed by Congress, or either House, shall be in four series, namely:

one series of reports made by the committees of the Senate, to be known as Senate reports;

one series of reports made by the committees of the House of Representatives, to be known as House reports;

one series of documents other than reports of committees, the orders for printing which originate in the Senate, to be known as Senate documents; and

one series of documents other than committee reports, the orders for printing which originate in the House of Representatives, to be known as House documents.

The publications in each series shall be consecutively numbered, the numbers in each series continuing in unbroken sequence throughout the entire term of a Congress, but these provisions do not apply to the documents printed for the use of the Senate in executive session. Of the "usual number", the copies which are intended for distribution to State libraries and other designated depositories of annual or serial publications originating in or prepared by an executive department, bureau, office, commission, or board may not be numbered in the document or report series of either House of Congress, but shall be designated by title and bound as provided by section 738 of this title; and the departmental edition, if any, shall be printed concurrently with the "usual number." Hearings of committees may be printed as congressional documents only when specifically ordered by Congress or either House.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1250.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 142 (Jan. 15, 1908, No. 3, § 1, 35 Stat. 565).

§ 720. Senate and House Manuals

Each House may order printed as many copies as it desires, of the Senate Manual and of the Rules and Manual of the House of Representatives, even though the cost exceed $500.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1251.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 148 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 617).

§ 721. Congressional Directory

(a) There shall be prepared under the direction of the Joint Committee on Printing (1) a Congressional Directory, which shall be printed and distributed as early as practicable during the first session of each Congress and (2) a supplement to each Congressional Directory,

which shall be printed and distributed as early as practicable during the second regular session of each Congress. The Joint Committee shall control the number and distribution of the Congressional Directory and each supplement.

(b) One copy of the Congressional Directory delivered to Members of the Senate and the House of Representatives (including Delegates and the Resident Commissioner) shall be bound in cloth and imprinted on the cover with the name of the Member. Copies of the Congressional Directory delivered to depository libraries may be bound in cloth. All other copies of the Congressional Directory shall be bound in paper and names shall not be imprinted thereon, except that copies printed for sale under section 722 may be bound in cloth.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1251; Pub. L. 95-94, title IV, § 404, Aug. 5, 1977, 91 Stat. 682.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 149 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 617; July 1, 1902, ch. 1351, 32 Stat. 583).

AMENDMENTS

1977—Pub. L. 95-94 designated existing provisions as subsec. (a), substituted provisions relating to distribution of initial and supplementary Directories for provisions requiring preparation of three editions of the Directory during the first session of each Congress and two editions during each second regular session of Congress, struck out provisions relating to distribution of the first edition and provisions relating to cloth binding for copies delivered to Senators and Representatives, and added subsec. (b).

§ 722. Congressional Directory: sale

The Public Printer, under the direction of the Joint Committee on Printing, may print the current Congressional Directory for sale at a price sufficient to reimburse the expense of printing. The money derived from sales shall be paid into the Treasury and accounted for in his annual report to Congress, and sales may not be made on credit.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1251.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 150 (Jan. 12, 1895 ch. 23, § 40, 28 Stat. 607).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 721 of this title.

§ 723. Memorial addresses: preparation; distribution

After the final adjournment of each session of Congress, there shall be compiled, prepared, printed with illustrations, and bound in cloth in one volume, in the style, form, and manner directed by the Joint Committee on Printing, without extra compensation to any employee, the legislative proceedings of Congress and the exercises at the general memorial services held in the House of Representatives during each session relative to the death of a Member of Congress or a former Member of Congress who served as Speaker, together with all relevant memorial addresses and eulogies published in the Congressional Records during the same session of Congress, and any other matter the Joint Committee considers relevant; and there shall be printed as many copies as needed to supply the total quantity provided for by this section, of which fifty copies, bound in full morocco, with gilt edges, suitably lettered as may be requested, shall be delivered to the family of the deceased, and the remaining copies shall be distributed as follows:

of all eulogies on deceased Members of Congress to the Vice President and each Senator, Representative, and Resident Commissioner in Congress, one copy;

of the eulogies on deceased Senators there shall be furnished two hundred and fifty copies for each Senator of the State represented by the deceased and twenty copies for each Representative from that State;

of the eulogies on a deceased Representative and Resident Commissioner two hundred and fifty copies for his successor in office; twenty copies for each of the other Representatives, or Resident Commissioner of the State, or insular possession represented by the deceased; and twenty copies for each Senator from that State.

The "usual number" of memorial addresses may not be printed.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1251; Pub. L. 97-51, § 101(c), Oct. 1, 1981, 95 Stat. 959.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964, ed., § 151 (Aug. 23, 1894, ch. 307, 28 Stat. 447; Jan. 12, 1895, ch. 23, § 73, 28 Stat. 616; June 20, 1936, ch. 630, title I, § 1, 49 Stat. 1545).

CODIFICATION

The 1981 amendment by Pub. L. 97-51 is based on section 4 of House Resolution 23, Ninety-seventh Congress, Mar. 10, 1981, as enacted into permanent law by H.R. 4120, as reported July 9, 1981, and incorporated by reference in section 101(c) of Pub. L. 97-51, to be effective as if enacted into law.

AMENDMENTS

1981—Pub. L. 97-51 inserted "or a former Member of Congress who served as Speaker" after "relative to the death of a Member of Congress".

RESTRICTION ON NUMBER OF BOUND EULOGIES

Pub. L. 94-59, title VIII, § 801, July 25, 1975, 89 Stat. 296, provided in part that: "Hereafter, appropriations for authorized printing and binding for Congress shall not be available under the authority of section 723 of title 44 of the United States Code for the printing, publication, and distribution of more than fifty bound eulogies to be delivered to the family of the deceased, and in the case of a deceased Senator or deceased Representative (including Delegates to Congress and the Resident Commissioner from Puerto Rico), there shall be furnished to his successor in office two hundred and fifty copies."

§ 724. Memorial addresses: illustrations

The illustrations to accompany bound copies of memorial addresses delivered in Congress shall be made at the Bureau of Engraving and Printing and paid for out of the appropriation for that bureau, or, in the discretion of the Joint Committee on Printing, shall be obtained elsewhere by the Public Printer and charged to

the allotment for printing and binding for Congress.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1252.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 152 (Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1431).

§ 725. Statement of appropriations; "usual number"

Of the statements of appropriations required to be prepared by section 105 of Title 2, there shall be printed, after the close of each regular session of Congress, the usual number of copies.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1252.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 153 (Mar. 2, 1895, ch. 189, § 1, 28 Stat. 958).

§ 726. Printing for committees of Congress

A committee of Congress may not procure the printing of more than one thousand copies of a hearing, or other document germane thereto, for its use except by simple, concurrent, or joint resolution, as provided by section 703 of this title.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1252.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 154 (Jan. 12, 1895, ch. 23, § 2, 28 Stat. 601; Mar. 1, 1907, ch. 2284, § 1, 34 Stat. 1012).

§ 727. Committee reports: indexing and binding

The Secretary of the Senate and the Clerk of the House of Representatives shall procure and file for the use of their respective House copies of all reports made by committees, and at the close of each session of Congress shall have the reports indexed and bound, one copy to be deposited in the library of each House and one copy in the committee from which the report emanates.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1252.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 155 (Jan. 12, 1895, ch. 23, § 83, 28 Stat. 622).

§ 728. United States Statutes at Large: distribution

The Public Printer, after the final adjournment of each regular session of Congress, shall print and bind copies of the United States Statutes at Large, to be charged to the congressional allotment for printing and binding. The Joint Committee on Printing shall control the number and distribution of the copies.

The Public Printer shall print and, after the end of each calendar year, bind and deliver to the Superintendent of Documents a number of copies of the United States Treaties and Other International Agreements not exceeding the number of copies of the United States Statutes at Large required for distribution in the manner provided by law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1252.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 196a (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 615; June 20, 1936, ch. 630, title VI, § 9, 49 Stat. 1551; June 16, 1938, ch. 477, § 2, 52 Stat. 761; Sept. 23, 1950, ch. 1001, § 4, 64 Stat. 980; July 10, 1952, ch. 632, § 2, 66 Stat. 540).

WRITTEN REQUESTS FOR COPIES OF UNITED STATES STATUTES AT LARGE

Pub. L. 94-440, title X, § 1000, Oct. 1, 1976, 90 Stat. 1459, provided in part that: "Hereafter, notwithstanding any other provisions of law, appropriations for the automatic distribution to Senators and Representatives (including Delegates to Congress and the Resident Commissioner from Puerto Rico) of copies of the United States Statutes at Large shall not be available with respect to any Senator or Representative unless such Senator or Representative specifically, in writing, requests that he receive copies of such document."

§ 729. United States Statutes at Large: references in margins

The Archivist of the United States shall include in the references in margins of the United States Statutes at Large the number of the bill or joint resolution (designating S. for Senate bill, H.R. for House bill, S.J. Res. for Senate joint resolution and H.J. Res. for House joint resolution, as the case may be) under which each Act was approved and became a law, the reference in the margins to be placed within brackets immediately under the date of the approval of the Act at the beginning of each Act as printed beginning with Volume 32 of the United States Statutes at Large.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1252; Pub. L. 98-497, title I, § 107(b)(1), Oct. 19, 1984, 98 Stat. 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 197 (Apr. 12, 1904, No. 20, 33 Stat. 589; 1950 Reorg. Plan No. 20, § 1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1272).

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist of the United States" for "Administrator of General Services".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 730. Distribution of documents to Members of Congress

When, in the division among Senators, and Representatives, of documents printed for the use of Congress there is an apportionment to each or either House in round numbers, the Public Printer may not deliver the full number so accredited at the Senate Service Department and House of Representatives Publications Distribution Service, but only the largest multiple of the number constituting the full membership of that House, including the Secretary and Sergeant at Arms of the Senate and Clerk, Sergeant at Arms, and Doorkeeper of the House, which is contained in the round numbers thus accredited to that House, so that the number delivered divides evenly and without remainder among the Members of the House to which they are delivered; and the remainder of the documents thus resulting shall be turned over to the Superintendent of Documents, to be dis-

tributed by him, first, to public and school libraries for the purpose of completing broken sets; second, to public and school libraries that have not been supplied with any portions of the sets, and, lastly, by sale to other persons; the libraries to be named to him by Senators and Representatives; and in this distribution the Superintendent of Documents, as far as practicable, shall make an equal allowance to each Senator and Representative.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1253.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 157 (Jan. 12, 1895, ch. 23, § 68, 28 Stat. 612; Apr. 6, 1904, ch. 862, 33 Stat. 159; July 2, 1954, ch. 455, title I, § 101, 68 Stat. 397).

"House of Representatives Publications Distribution Service" is substituted for "House Folding Room" because of the change of name under authority of Public Law 88-652.

§ 731. Allotments of public documents printed after expiration of terms of Members of Congress; rights of retiring Members to documents

The Congressional allotment of public documents, other than the Congressional Record, printed after the expiration of the term of office of the Vice President of the United States, or Senator, Representative, or Resident Commissioner, shall be delivered to his successor in office.

Unless the Vice President of the United States, a Senator, Representative, or Resident Commissioner, having public documents to his credit at the expiration of his term of office takes them prior to the 30th day of June next following the date of expiration, he shall forfeit them to his successor in office.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1253.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 158 (Jan. 12, 1895, ch. 23, § 72, 28 Stat. 612; Mar. 18, 1924, ch. 60, 43 Stat. 24; June 18, 1934, ch. 606, § 1, 48 Stat. 1017).

Words "or her" deleted by authority of Title 1, sec. 1—"words importing masculine gender may be applied to females".

§ 732. Time for distribution of documents by Members of Congress extended

Reelected Members may distribute public documents to their credit, or the credit of their respective districts in the Interior or other Departments and bureaus, and in the Government Printing Office, during their successive terms and until their right to frank documents ends.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1253.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 159 (June 4, 1897, ch. 2, § 1, 30 Stat. 62).

§ 733. Documents and reports ordered by Members of Congress; franks and envelopes for Members of Congress

The Public Printer on order of a Member of Congress, on prepayment of the cost, may reprint documents and reports of committees together with the evidence papers submitted, or any part ordered printed by the Congress.

He may also furnish without cost to Members and the Resident Commissioner from Puerto Rico, blank franks printed on sheets and perforated, or singly at their option, for public documents. Franks shall contain in the upper left-hand corner the following words: "Public document. United States Senate" or "House of Representatives U.S." and in the upper right-hand corner the letters "U.S.S." or "M. C." Franks may also contain information relating to missing children as provided in section 3220 of title 39. But he may not print any other words except where it is desirable to affix the official title of a document. Other words printed on franks shall be at the personal expense of the Member or Resident Commissioner ordering them.

At the request of a Member of Congress or Resident Commissioner the Public Printer may print upon franks or envelopes used for mailing public documents the facsimile signature of the Member or Resident Commissioner and a special request for return if not called for, and the name of the State or Commonwealth and county and city. The Member or Resident Commissioner shall deposit with his order the extra expense involved in printing these additional words.

The Public Printer may also, at the request of a Member or Resident Commissioner, print on envelopes authorized to be furnished, the name of the Member or Resident Commissioner, and State or Commonwealth, the date, and the topic or subject matter, not exceeding twelve words.

The Public Printer shall deposit moneys accruing under this section in the Treasury of the United States to the credit of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done. He shall account for them in his annual report to Congress.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1253; Pub. L. 93-191, § 8(a), Dec. 18, 1973, 87 Stat. 745; Pub. L. 93-255, § 2(b), Mar. 27, 1974, 88 Stat. 52; Pub. L. 99-87, § 1(c)(2), Aug. 9, 1985, 99 Stat. 291.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 162 (Jan. 12, 1895, ch. 23, § 37, 28 Stat. 606; Mar. 2, 1895, ch. 189, § 1, 28 Stat. 961; Jan. 30, 1904, ch. 39, 33 Stat. 9; Mar. 4, 1925, ch. 549, § 1, 43 Stat. 1300).

Section 893 of Title 48, U.S. Code, provides that: "The Resident Commissioner of Puerto Rico shall . . . be allowed the franking privilege granted Members of Congress."

By inference he should be included in section 733, since the franking privilege should include the means to use it.

Changes have been made in section 733 to include the Resident Commissioner as to printing of franks.

AMENDMENTS

1985—Pub. L. 99-87 inserted provision that franks may also contain information of missing children as provided in section 3220 of title 39.

1974—Pub. L. 93-255 struck out "Postage paid by Congress." after "Public Document." in second par.

1973—Pub. L. 93-191 substituted "Public document. Postage paid by Congress." for "Public document. Free." in second par.

TERMINATION DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-87 not effective two and one-half years after Aug. 9, 1985, see section 5 of Pub. L. 99-87, set out as a note under section 3220 of Title 39, Postal Service.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as a note under section 3210 of Title 39, Postal Service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 31b-4; title 39 sections 3201, 3216.

§ 734. Stationery and blank books for Congress

Upon requisition of the Secretary of the Senate and the Clerk of the House of Representatives, respectively, the Public Printer shall furnish stationery, blank books, tables, forms, and other necessary papers preparatory to congressional legislation, required for the official use of the Senate and the House of Representatives, or their committees and officers. This does not prevent the purchase by the officers of the Senate and House of Representatives of stationery and blank books necessary for sale to Senators and Members in the stationery rooms of the two Houses as provided by law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1254.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 146 (Jan. 12, 1895, ch. 23, § 2, 28 Stat. 601; Mar. 1, 1907, ch. 2284, § 1, 34 Stat. 1013).

§ 735. Binding for Members of Congress

Each Member of Congress is entitled to the binding in half morocco, or material not more expensive, of one copy of each public document to which he is entitled, an account of which shall be kept by the Secretary of the Senate and Clerk of the House of Representatives, respectively.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1254.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 160 (Jan. 12, 1895, ch. 23, § 2, 28 Stat. 601; Mar. 1, 1907, ch. 2284, § 1, 34 Stat. 1013).

WRITTEN REQUESTS FOR BOUND COPIES OF DOCUMENTS

Pub. L. 94-59, title VIII, § 801, July 25, 1975, 89 Stat. 296, provided in part that: "Hereafter, notwithstanding any other provisions of law appropriations for the binding of copies of public documents by Committees for distribution to Senators and Representatives (including Delegates to Congress and the Resident Commissioner from Puerto Rico) shall not be available for a Senator or Representative unless such Senator or Representative specifically, in writing, requests that he receive bound copies of any such documents."

§ 736. Binding at expense of Members of Congress

The Public Printer may bind at the Government Printing Office books, maps, charts, or documents published by authority of Congress, upon application of a Member of Congress, and payment of the actual cost of binding.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1254.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 171 (Dec. 10, 1877, ch. 6, 20 Stat. 5).

§ 737. Binding for Senate library

The Secretary of the Senate may make requisition upon the Public Printer for the binding for the Senate library of books he considers necessary, at a cost not to exceed $200 per year.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1254.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 168 (Mar. 2, 1895, ch. 189, § 1, 28 Stat. 958).

§ 738. Binding of publications for distribution to libraries

The Public Printer shall supply the Superintendent of Documents with sufficient copies of publications distributed in unbound form, to be bound and distributed to the State libraries and other designated depositories for their permanent files. Every publication of sufficient size on any one subject shall be bound separately and receive the title suggested by the subject of the volume, and the others shall be distributed in unbound form as soon as printed. The library edition, as well as all other bound sets of congressional numbered documents and reports, shall be arranged in volumes and bound in the manner directed by the Joint Committee on Printing.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1254.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 143 (Jan. 15, 1908, No. 3, § 2, 35 Stat. 566).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 719 of this title.

§ 739. Senate and House document rooms; superintendents

There shall be one document room of the Senate and one of the House of Representatives, to be designated, respectively, the "Senate and House document room." Each shall be in charge of a superintendent, who shall be appointed by the Secretary of the Senate and the Doorkeeper of the House, respectively, together with the necessary assistants. The Senate document room shall be under the jurisdiction of the Secretary of the Senate.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1254.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 165 (Jan. 12, 1895, ch. 23, § 60, 28 Stat. 610; Mar. 3, 1901, ch. 830, § 1, 31 Stat. 962).

§ 740. Senate Service Department and House Publications Distribution Service; superintendents

There shall be a Senate Service Department and a House of Representatives Publications Distribution Service in the charge of superintendents, appointed respectively by the Sergeant at Arms of the Senate and Doorkeeper of

the House, together with the necessary assistants. Reports or documents to be distributed for the Senators and Representatives shall be folded and distributed from the Senate Service Department and House of Representatives Publications Distribution Service, unless otherwise ordered, and the respective superintendent shall notify each Senator and Representative in writing once every sixty days of the number and character of publications on hand and assigned to him for use and distribution.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1255.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 166 (Jan. 12, 1895, ch. 23, § 71, 28 Stat. 612; July 2, 1954, ch. 455, title I, § 101, 68 Stat. 397).

"House of Representatives Publications Distribution Service" is substituted for "House Folding Room" because of the change of name under authority of Public Law 88-652.

§ 741. Disposition of documents stored at Capitol

The Secretary and Sergeant at Arms of the Senate and the Clerk and Doorkeeper of the House of Representatives, at the convening in regular session of each successive Congress shall cause an invoice to be made of public documents stored in and about the Capitol, other than those belonging to the quota of Members of Congress, to the Library of Congress and the Senate and House libraries and document rooms. The superintendents of the Senate Service Department and House of Representatives Publications Distribution Service shall put the documents to the credit of Senators and Representatives in quantities equal in the number of volumes and as nearly as possible in value, to each Member of Congress, and the documents shall be distributed upon the orders of Senators and Representatives, each of whom shall be supplied by the superintendents of the Senate Service Department and House of Representatives Publications Distribution Service with a list of the number and character of the publications thus put to his credit, but before apportionment is made copies of any of these documents desired for the use of a committee of either House shall be delivered to the chairman of the committee.

Four copies of leather-bound documents shall be reserved and carefully stored, to be used in supplying deficiencies in the Senate and House libraries caused by wear or loss.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1255.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 167 (Jan. 12, 1895, ch. 23, § 63, 28 Stat. 611; July 2, 1954, ch. 455, title I, § 101, 68 Stat. 397).

"Senate Service Department and House Folding Room" was substituted for "Senate and House folding rooms," and "superintendents of the Senate Service Department and House Folding Room" was substituted for "superintendents of the folding rooms" in view of act July 2, 1954, which redesignated the Senate Folding Room as the Senate Service Department.

Act July 2, 1954, provided in part that "hereafter" the Senate Folding Room should be known as the Senate Service Department.

"House of Representatives Publications Distribution Service" is substituted for "House Folding Room" because of the change of name under authority of Public Law 88-652.

CHAPTER 9—CONGRESSIONAL RECORD

Sec.
901. Congressional Record: arrangement, style, contents, and indexes.
902. Congressional Record: indexes.
903. Congressional Record: daily and permanent forms.
904. Congressional Record: maps; diagrams; illustrations.
905. Congressional Record: additional insertions.
906. Congressional Record: gratuitous copies; delivery.
907. Congressional Record: extracts for Members of Congress; mailing envelopes.
908. Congressional Record: payment for printing extracts or other documents.
909. Congressional Record: exchange for Parliamentary Hansard.
910. Congressional Record: subscriptions; sale of current, individual numbers, and bound sets; postage rate.

AMENDMENTS

1974—Pub. L. 93-314, § 1(c), June 8, 1974, 88 Stat. 239, struck out "; subscription" in item 906, and substituted "subscriptions; sale of current, individual numbers and bound sets; postage rate" for "sale of current numbers and bound sets" in item 910.

FEDERAL RECORDS MANAGEMENT PROVISIONS WITHOUT EFFECT ON CHAPTER

Authority and responsibilities under chapter not limited or repealed by Federal Records Management Amendments of 1976, see section 5(b) of Pub. L. 94-575, set out as a note under section 2901 of this title.

§ 901. Congressional Record: arrangement, style, contents, and indexes

The Joint Committee on Printing shall control the arrangement and style of the Congressional Record, and while providing that it shall be substantially a verbatim report of proceedings, shall take all needed action for the reduction of unnecessary bulk. It shall provide for the publication of an index of the Congressional Record semimonthly during and at the close of sessions of Congress.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1255.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 181 (Jan. 12, 1895, ch. 23, § 13, 28 Stat. 603).

§ 902. Congressional Record: indexes

The Joint Committee on Printing shall designate to the Public Printer competent persons to prepare the semimonthly and the session index to the Congressional Record and shall fix the compensation to be paid by the Public Printer for that work, and direct the form and manner of its publication and distribution.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1256.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 182 (Jan. 12, 1895, ch. 23, § 14, 28 Stat. 603; June 20, 1936, ch. 630, title II, § 2, 49 Stat. 1546).

§ 903. Congressional Record: daily and permanent forms

The public proceedings of each House of Congress as reported by the Official Reporters, shall be printed in the Congressional Record, which shall be issued in daily form during each session and shall be revised, printed, and bound promptly, as directed by the Joint Committee on Printing, in permanent form, for distribution during and after the close of each session of Congress. The daily and the permanent Record shall bear the same date, which shall be that of the actual day's proceedings reported. The "usual number" of the Congressional Record may not be printed.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1256.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 182a (Jan. 12, 1895, ch. 23, § 14, as added June 20, 1936, ch. 630, title II, § 2, 49 Stat. 1546).

§ 904. Congressional Record: maps; diagrams; illustrations

Maps, diagrams, or illustrations may not be inserted in the Record without the approval of the Joint Committee on Printing.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1256.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 182b (Jan. 12, 1895, ch. 23, § 14, as added June 20, 1936, ch. 630, title II, § 2, 49 Stat. 1546).

§ 905. Congressional Record: additional insertions

The Joint Committee on Printing shall provide for printing in the daily Record the legislative program for the day together with a list of congressional committee meetings and hearings, and the place of meeting and subject matter. It shall cause a brief resume of congressional activities for the previous day to be incorporated in the Record, together with an index of its contents prepared under the supervision of the Secretary of the Senate and the Clerk of the House of Representatives, respectively.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1256.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 182c (Aug. 2, 1946, ch. 753, title II, § 221, 60 Stat. 837).

§ 906. Congressional Record: gratuitous copies; delivery

The Public Printer shall furnish the Congressional Record only as follows:

of the bound edition—

to the Senate Service Department five copies for the Vice President and each Senator;

to the Secretary and Sergeant at Arms of the Senate, each, two copies;

to the Joint Committee on Printing not to exceed one hundred copies;

to the House of Representatives Publications Distribution Service, three copies for each Representative and Resident Commissioner in Congress; and

to the Clerk, Sergeant at Arms, and Doorkeeper of the House of Representatives, each, two copies;

of the daily edition—

to the Vice President, one hundred copies;

to each Senator, fifty copies (which may be transferred only to public agencies and institutions);

to the Secretary and Sergeant at Arms of the Senate, each, twenty-five copies;

to the Secretary, for official use, not to exceed thirty-five copies; and

to the Sergeant at Arms for use on the floor of the Senate, not to exceed fifty copies;

to each Member of the House of Representatives, the Resident Commissioner from Puerto Rico, the Delegate from the District of Columbia, the Delegate from Guam, and the Delegate from the Virgin Islands, thirty-four copies (which may be transferred only to public agencies and institutions);

to the Clerk, Sergeant at Arms, and Doorkeeper of the House of Representatives, each, twenty-five copies;

to the Clerk, for official use, not to exceed fifty copies, and to the Doorkeeper for use on the floor of the House of Representatives, not to exceed seventy-five copies;

to the Vice President and each Senator, Representative, and Resident Commissioner in Congress (and not transferable) three copies of which one shall be delivered at his residence, one at his office, and one at the Capitol.

In addition to the foregoing the Congressional Record shall also be furnished as follows.

In unstitched form, and held in reserve by the Public Printer, as many copies of the daily Record as may be required to supply a semimonthly edition, bound in paper cover together with each semimonthly index when it is issued, and then be delivered promptly as follows:

to each committee and commission of Congress, one daily and one semimonthly copy;

to each joint committee and joint commission in Congress, as may be designated by the Joint Committee on Printing, two copies of the daily, one semimonthly copy, and one bound copy;

to the Secretary and the Sergeant at Arms of the Senate, for office use, each, six semimonthly copies;

to the Clerk, Sergeant at Arms, and Doorkeeper of the House, for office use, each, six semimonthly copies;

to the Joint Committee on Printing, ten semimonthly copies;

to the Vice President and each Senator, Representative, and Resident Commissioner in Congress, one semimonthly copy;

to the President of the United States, for the use of the Executive Office, ten copies of the daily, two semimonthly copies, and one bound copy;

to the Chief Justice of the United States and each of the Associate Justices of the Supreme Court of the United States, one copy of the daily;

to the offices of the marshal and clerk of the Supreme Court of the United States, each, two copies of the daily and one semimonthly copy;

to each United States circuit and district judge, and to the chief judge and each associate judge of the United States Claims Court, the United States Court of International Trade, the Tax Court of the United States, and the United States Court of Military Appeals, upon request to a member of Congress and notification by the Member to the Public Printer, one copy of the daily, in addition to those authorized to be furnished to Members of Congress under the preceding provisions of this section;

to the offices of the Vice President and the Speaker of the House of Representatives, each, six copies of the daily and one semimonthly copy;

to the Sergeant at Arms, the Chaplain, the Postmaster, the superintendent and the foreman of the Senate Service Department and of the House of Representatives Publications Distribution Service, respectively; to the Secretaries to the Majority and the Minority of the Senate, and to the Doorkeeper of the House of Representatives, each, one copy of the daily;

to the office of the Parliamentarian of the House of Representatives, six copies of the daily, one semimonthly copy, and two bound copies;

to the offices of the Official Reporters of Debates of the Senate and House of Representatives, respectively, each, fifteen copies of the daily, one semimonthly copy, and three bound copies;

to the office of the stenographers to committees of the House of Representatives, four copies of the daily and one semimonthly copy;

to the office of the Congressional Record Index, ten copies of the daily and two semimonthly copies;

to the offices of the superintendent of the Senate and House document rooms, each, three copies of the daily, one semimonthly copy, and one bound copy;

to the offices of the superintendents of the Senate and House press galleries, each, two copies of the daily, one semimonthly copy, and one bound copy;

to the offices of the Legislative Counsel of the Senate and House of Representatives, respectively, and the Architect of the Capitol, each, three copies of the daily, one semimonthly copy, and one bound copy;

to the Library of Congress for official use in Washington, District of Columbia, and for international exchange, as provided by section 1718 and 1719 of this title, not to exceed one hundred and forty-five copies of the daily, five semimonthly copies, and one hundred and fifty bound copies;

to the library of the Senate, three copies of the daily, two semimonthly copies, and not to exceed fifteen bound copies;

to the library of the House of Representatives, five copies of the daily, two semimonthly copies, and not to exceed twenty-eight bound copies, of which eight copies may be bound in the style and manner approved by the Joint Committee on Printing;

to the library of the Supreme Court of the United States, two copies of the daily, two semi-monthly copies, and not to exceed five bound copies;

to the library of each United States Court of Appeals, each United States District Court, the United States Claims Court, the United States Court of International Trade, the Tax Court of the United States, and the United States Court of Military Appeals, upon request to the Public Printer, one copy of the daily, one semimonthly copy, and one bound copy;

to the Public Printer for official use, not to exceed seventy-five copies of the daily, ten semimonthly copies, and two bound copies;

to the Director of the Botanic Garden, two copies of the daily and one semimonthly copy;

to the Archivist of the United States, five copies of the daily, two semimonthly copies, and two bound copies;

to the library of each executive department, independent office, and establishment of the Government in the District of Columbia, except those designated as depository libraries, and to the libraries of the municipal government of the District of Columbia, the Naval Observatory, and the Smithsonian Institution, each, two copies of the daily, one semimonthly copy, and one bound copy;

to the offices of the Governors of Puerto Rico, Guam and the Virgin Islands, each, five copies in both daily and bound form;

to the office of the Governor of the Canal Zone, five copies in both daily and bound form;

to each ex-President and ex-Vice President of the United States, one copy of the daily;

to each former Senator, Representative, and Commissioner from Puerto Rico, upon request to the Public Printer, one copy of the daily;

to the Governor of each State, one copy in both daily and bound form;

to the United States Soldiers' Home and to each of the National Homes for Disabled Volunteer Soldiers, and to each of the State soldiers' homes, one copy of the daily;

to the Superintendent of Documents, as many daily and bound copies as may be required for distribution to depository libraries;

to the Department of State, not to exceed one hundred and fifty copies of the daily, for distribution to each United States embassy and legation abroad, and to the principal consular offices in the discretion of the Secretary of State;

to each foreign legation in Washington whose government extends a like courtesy to our embassies and legations abroad, one copy of the daily, to be furnished upon requisition of and sent through the Secretary of State;

to each newspaper correspondent whose name appears in the Congressional Directory, and who makes application, for his personal use and that of the papers he represents, one

copy of the daily and one copy of the bound, the same to be sent to the office address of the member of the press or elsewhere as he directs; not to exceed four copies in all may be furnished to members of the same press bureau.

Copies of the daily edition, unless otherwise directed by the Joint Committee on Printing, shall be supplied and delivered promptly on the day after the actual day's proceedings as originally published. Each order for the daily Record shall begin with the current issue, if previous issues of the same session are not available. The apportionment specified for daily copies may not be transferred for the bound form and an allotment of daily copies not used by a Member during a session shall lapse when the session ends.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1256; Pub. L. 91-276, June 12, 1970, 84 Stat. 303; Pub. L. 92-373, Aug. 10, 1972, 86 Stat. 528; Pub. L. 93-314, § 1(b), June 8, 1974, 88 Stat. 239; Pub. L. 95-94, title IV, § 407(a), Aug. 5, 1977, 91 Stat. 683; Pub. L. 96-417, title VI, § 601(11), Oct. 10, 1980, 94 Stat. 1744; Pub. L. 97-164, title I, § 164(2), Apr. 2, 1982, 96 Stat. 50.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 183 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 617; June 11, 1896, ch. 420, § 1, 29 Stat. 454; Mar. 19, 1896, No. 31, 29 Stat. 468; Feb. 17, 1897, No. 12, 29 Stat. 700; Mar. 26, 1900, No. 15, 31 Stat. 713; Mar. 2, 1901, No. 16, §§ 1, 2, 31 Stat. 1464; Jan. 30, 1903, ch. 338, 32 Stat. 786; Mar. 1, 1907, ch. 2284, § 4, 34 Stat. 1014; Mar. 4, 1909, ch. 317, 35 Stat. 1067; Mar. 4, 1909, No. 25, 35 Stat. 1169; Mar. 3, 1925, ch. 421, § 7, 43 Stat. 1106; June 20, 1936, ch. 630, title II, § 3, 49 Stat. 1547; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352; June 30, 1949, ch. 288, title I, § 104(a), 63 Stat. 381; Sept. 26, 1950, ch. 1049, § 2(b), 64 Stat. 1038; July 2, 1954, ch. 455, title I, § 101, 68 Stat. 397; Aug. 1, 1956, ch. 852, § 20, 70 Stat. 911; June 25, 1959, Pub. L. 86-70, § 33, 73 Stat. 149; July 12, 1960, Pub. L. 86-624, § 32, 74 Stat. 421; Mar. 21, 1961, Pub. L. 87-2, 75 Stat. 5; July 11, 1961, Pub. L. 87-85, 75 Stat. 202).

"House of Representatives Publications Distribution Service" is substituted for "House Folding Room" because of the change of name under authority of Public Law 88-652.

REFERENCES IN TEXT

Provisions respecting National Homes for Disabled Volunteer Soldiers, referred to in text, were formerly classified to chapter 3 (section 71 et seq.) of Title 24, Hospitals and Asylums, and were repealed by Pub. L. 85-857, § 14, Sept. 2, 1958, 72 Stat. 1268-1272, and Pub. L. 85-56, title XXII, § 2202, June 17, 1957, 71 Stat. 162, 164, 166.

AMENDMENTS

1982—Pub. L. 97-164 substituted "the United States Claims Court" for "the United States Court of Claims, the United States Court of Customs and Patent Appeals" in two places.

1980—Pub. L. 96-417 redesignated the United States Customs Court as the United States Court of International Trade.

1977—Pub. L. 95-94 substituted "to the Vice President, one hundred copies; to each Senator, fifty copies (which may be transferred only to public agencies and institutions);" for "to the Vice President and each Senator, one hundred copies:" and "to each Member of the House of Representatives, the Resident Commissioner from Puerto Rico, the Delegate from the District of Columbia, the Delegate from Guam, and the Delegate from the Virgin Islands, thirty-four copies (which may be transferred only to public agencies and institutions);" for "to each Representative and Resident Commissioner in Congress, sixty-eight copies".

1974—Pub. L. 93-314 struck out subscriptions from section catchline, and struck out last paragraph which authorized the Public Printer to furnish the daily Record to subscribers at a price determined by him to be based upon the cost of printing and distribution, with the price to be payable in advance. See section 910 of this title.

1972—Pub. L. 92-373 provided for the furnishing of one copy of the daily, one semimonthly copy of the Congressional Record to the United States Court of Appeals library and certain other libraries.

1970—Pub. L. 91-276 substituted provision authorizing the Public Printer to furnish the daily Congressional Record to subscribers at a price based upon cost of printing and distribution for prior subscription price of $1.50 per month.

CHANGE OF NAME

The United States Soldiers' Home was renamed the United States Soldiers' and Airmen's Home, effective Sept. 7, 1972. See 37 F.R. 23533, Nov. 4, 1972.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-417 effective Nov. 1, 1980, and applicable with respect to civil actions pending on or commenced on or after such date, see section 701(a) of Pub. L. 96-417, as amended, set out as a note under section 251 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 407(b) of Pub. L. 95-94 provided that: "The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1977."

LIMITATION ON BOUND AND BIWEEKLY COPIES TO SENATORS AND REPRESENTATIVES

Pub. L. 95-391, title I, § 100, Sept. 30, 1978, 92 Stat. 783, provided in part that: "Hereafter, notwithstanding any other provision of law, appropriations for the automatic distribution to Senators and Representatives (including Delegates to Congress and the Resident Commissioner from Puerto Rico) of the bound and biweekly Congressional Records shall not be available with respect to any Senator or Representative unless such Senator or Representative specifically, in writing, requests that he or she receive copies of such Records."

LIMITATION ON COPIES OF BOUND PERMANENT EDITION FOR VICE PRESIDENT AND MEMBERS OF SENATE AND HOUSE OF REPRESENTATIVES

Pub. L. 93-145, § 101, Nov. 1, 1973, 87 Stat. 546, provided in part that: "Hereafter, appropriations for authorized printing and binding for Congress shall not be available under the authority of the Act of October 22, 1968 (44 U.S.C. 906) for the printing, publication, and distribution of more than one copy of the bound permanent editions of the Congressional Record for the Vice President and each Member of the Senate and House of Representatives."

§ 907. Congressional Record: extracts for Members of Congress; mailing envelopes

The Public Printer may print and deliver, upon the order of a Member of Congress and payment of the cost, extracts from the Congressional Record. The Public Printer may furnish without cost to Members and the Resident Commissioner, envelopes, ready for mailing the Congressional Record or any part of it, or speeches, or reports in it, if such part, speeches, or reports are mailable as franked mail under section 3210 of title 39. Envelopes so furnished shall contain in the upper left-hand corner the following words: "United States Senate" or "House of Representatives, U.S. Part of Congressional Record.", and in the upper right-hand corner the letters "U.S.S." or "M.C.", and the Public Printer may, at the request of a Member or Resident Commissioner, print in addition to the foregoing, his name and State or Commonwealth, the date, and the topic or subject matter, not exceeding twelve words. He may not print any other words on envelopes, except at the personal expense of the Member or Resident Commissioner ordering the envelopes, except to affix the official title of a document. The Public Printer shall deposit moneys accruing under this section in the Treasury of the United States to the credit of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done, and accounted for in his annual report to Congress.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1259; Pub. L. 93-191, § 8(b), Dec. 18, 1973, 87 Stat. 745; Pub. L. 93-255, § 2(c), Mar. 27, 1974, 88 Stat. 52.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 185 (Jan. 12, 1895, ch. 23, § 37, 28 Stat. 606; Mar. 2, 1895, ch. 189, § 1, 28 Stat. 961; Jan. 30, 1904, ch. 39, 33 Stat. 9; Mar. 4, 1925, ch. 549, 43 Stat. 1300).

AMENDMENTS

1974—Pub. L. 93-255 struck out "Postage paid by Congress" after "Part of Congressional Record.".

1973—Pub. L. 93-191 inserted at end of second sentence ", if such part, speeches, or reports are mailable as franked mail under section 3210 of title 39" and substituted in third sentence "Postage paid by Congress" for "Free".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 18, 1973, see section 14, of Pub. L. 93-191, set out as a note under section 3210 of Title 39, Postal Service.

ARCHIVIST OF THE UNITED STATES

References to Archivist of the United States deemed to refer to Archivist appointed under section 2103 of this title with respect to functions transferred by Pub. L. 98-497 or an amendment made by Pub. L. 98-497 and exercised after Apr. 1, 1985, see sections 106 and 108 of Pub. L. 98-497, set out as notes under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 sections 3201, 3216.

§ 908. Congressional Record: payment for printing extracts or other documents

If a Member or Resident Commissioner fails to pay the cost of printing extracts from the Congressional Record or other documents ordered by him to be printed, the Public Printer shall certify the amount due to the Sergeant at Arms of the House or the financial clerk of the Senate, as the case may be, who shall deduct from any salary due the delinquent the amount, or as much of it as the salary due may cover, and pay the amount so obtained to the Public Printer, to be applied by him to the satisfaction of the indebtedness.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1260.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 163 (Mar. 4, 1911, ch. 285, § 1, 36 Stat. 1446).

§ 909. Congressional Record: exchange for Parliamentary Hansard

The Librarian of Congress may furnish a copy of the daily and bound Congressional Record to the Undersecretary of State for External Affairs of Canada in exchange for a copy of the Parliamentary Hansard, and the Public Printer shall honor the requisition of the Librarian of Congress for it. The Parliamentary Hansard so received shall be the property of the Department of State.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1260.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 187 (Apr. 10, 1912, No. 14, 37 Stat. 632).

§ 910. Congressional Record: subscriptions; sale of current, individual numbers, and bound sets; postage rate

(a) Under the direction of the Joint Committee, the Public Printer may sell—

(1) subscriptions to the daily Record; and

(2) current, individual numbers, and bound sets of the Congressional Record.

(b) The price of a subscription to the daily Record and of current, individual numbers, and bound sets shall be determined by the Public Printer based upon the cost of printing and distribution. Any such price shall be paid in advance. The money from any such sale shall be paid into the Treasury and accounted for in the Public Printer's annual report to Congress.

(c) The Congressional Record shall be entitled to be mailed at the same rates of postage at which any newspaper or other periodical publication, with a legitimate list of paid subscribers, is entitled to be mailed.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1260; Pub. L. 93-314, § 1(a), June 8, 1974, 88 Stat. 239.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 188 (Jan. 12, 1895, ch. 23, § 40, 28 Stat. 607).

AMENDMENTS

1974—Pub. L. 93-314 included subscriptions and postage rate in section catchline, and inserted provisions in text authorizing sale of subscriptions, requiring price for subscriptions to be paid in advance, and directing that the Congressional Record shall be entitled to be mailed at the same rates of postage at which any newspaper or other periodical publication, with a legitimate list of paid subscribers, is entitled to be mailed.

CHAPTER 11—EXECUTIVE AND JUDICIARY PRINTING AND BINDING

Sec.

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1120. Blanks and letterheads for judges and officers of courts.
1121. Paper and envelopes for Government agencies in the District of Columbia.
1122. Supplies for Government establishments.
1123. Binding materials; bookbinding for libraries.

AMENDMENTS

1984—Pub. L. 98-216, § 3(d)(1), Feb. 14, 1984, 98 Stat. 6, substituted "Presidential" for "Bureau of Budget" in item 1108.

FEDERAL RECORDS MANAGEMENT PROVISIONS WITHOUT EFFECT ON CHAPTER

Authority and responsibilities under chapter not limited or repealed by Federal Records Management Amendments of 1976, see section 5(b) of Pub. L. 94-575, set out as a note under section 2901 of this title.

§ 1101. Printing and binding for the President

The Public Printer shall execute such printing and binding for the President as he may order and make requisition for.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1261.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 211 (Jan. 12, 1895, ch. 23, § 88, 28 Stat. 622).

CODIFICATION

Section constitutes part of section 88 of act Jan. 12, 1895. Remainder of section is classified to section 1713 of this title.

§ 1102. Printing to be authorized by law and necessary to the public business, not in excess of appropriation, and on special requisition filed with the Public Printer

(a) A head of an executive department, or of an independent agency or establishment of the Government may not cause to be printed, and the Public Printer may not print, a document or matter unless it is authorized by law and necessary to the public business.

(b) Printing may not be done for an executive department, independent agency or establishment in a fiscal year in excess of the amount of the appropriation.

(c) Printing may not be done without a special requisition signed by the chief of the department, independent agency or establishment and filed with the Public Printer.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1261.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §§ 213, 219 (Jan. 12, 1895, ch. 23, § 89, 94, 28 Stat. 622).

This section incorporates the first paragraph of former section 213 and the first clause of former section 219. The balance of former section 213 will be found in sections 1116, 1302, 1308, 1309, 1310, 1336 of the revision; that of former section 219 in section 1113 of the revision.

§ 1103. Certificate of necessity; estimate of cost

When a department, the Supreme Court, or the Library of Congress requires printing or binding to be done, it shall certify that it is necessary for the public service. The Public Printer shall then furnish an estimate of cost by principal items, after which requisitions may be made upon him for the printing or binding by the head of the department, the Clerk of the Supreme Court, or the Librarian of Congress, respectively. The Public Printer shall place the cost to the debit of the department in its annual appropriation for printing and binding.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1261; Pub. L. 97-164, title I, § 159, Apr. 2, 1982, 96 Stat. 48.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 117 (Jan. 12, 1895, ch. 23, § 93, 28 Stat. 623; June 25, 1948, ch. 646, § 32(a), 62 Stat. 991; May 24, 1949, ch. 139, sec. 127, 63 Stat. 107).

AMENDMENTS

1982—Pub. L. 97-164 struck out the Court of Claims from the enumeration of entities for which printing or binding may be done for the public service and struck out the chief judge of the Court of Claims from the enumeration of officials who make requisitions upon the Public Printer for printing or binding.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

§ 1104. Restrictions on use of illustrations

Appropriations made for printing and binding may not be used for an illustration, engraving, or photograph in a document or report ordered printed by Congress unless the order to print expressly authorizes it, nor in a document or report of an executive department, independent office or establishment of the Government until the head of the executive department or Government establishment certifies in a letter transmitting the report that the illustration, engraving, or photograph is necessary and relates entirely to the transaction of public business.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1261.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 118 (Mar. 3, 1905, ch. 1483, § 1, 33 Stat. 1213).

The term "executive department, independent office, or establishment of the Government" is substituted for "executive department or other Government establishment" for uniformity.

§ 1105. Form and style of work for departments

The Public Printer shall determine the form and style in which the printing or binding ordered by a department is executed, and the material and the size of type used, having proper regard to economy, workmanship, and the purposes for which the work is needed.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1261.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 216 (Jan. 12, 1895, ch. 23, § 51, 28 Stat. 608).

§ 1106. Inserting "compliments" forbidden

A report, document, or publication distributed by or from an executive department or independent agency or establishment of the Government may not contain a notice that it is sent with "the compliments" of an officer of the Government, or with a special notice that it is so sent, except that notice that it has been sent, with a request for an acknowledgment of its receipt, may be given.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1261.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 218 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 620).

§ 1107. Appropriations chargeable for printing and binding of documents or reports

The cost of printing and binding of documents or reports emanating from executive departments, independent agencies or establishments of the Government which, before March 30, 1906, was charged to appropriations for congressional printing and binding or to appropriations other than to executive departments, independent agencies or establishments, shall be charged as follows:

(1) the cost of illustrations, composition, stereotyping, and other work involved in the actual preparation for printing, apart from the creation of the manuscript, to the appropriation for printing and binding of the agency in which the document or report originates.

(2) the balance of cost, to congressional printing and binding appropriations or to appropriations for printing and binding of the executive departments, independent agencies or establishments in proportion to the number of copies delivered to each.

(3) the cost of copies distributed other than through Congress or executive agencies or independent offices, as otherwise provided.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1261.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 214 (Mar. 30, 1906, No. 13, 34 Stat. 825).

A proviso in the 1906 resolution, requiring annual estimates of probable costs for departmental printing is omitted as obsolete.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 717 of this title.

§ 1108. Presidential approval required for printing of periodicals; number printed; sale to public

The head of an executive department, independent agency or establishment of the Government, with the approval of the President, may use from the appropriations available for printing and binding such sums as are necessary for the printing of journals, magazines, periodicals, and similar publications he certifies in writing to be necessary in the transaction of the public business required by law of the department, office, or establishment. There may be printed, in addition to those necessary for the public business, not to exceed two thousand copies for free distribution by the issuing department, office, or establishment. The Public Printer, subject to regulation by the Joint Committee on Printing, shall print additional copies required for sale to the public by the Superintendent of Documents; but the printing of these additional copies may not interfere with the prompt execution of printing for the Government.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1262; Pub. L. 98-216, § 3(d)(2), (3), Feb. 14, 1984, 98 Stat. 6.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 220 (May 11, 1922, ch. 189, § 1, 42 Stat. 541; June 30, 1932, ch. 314, § 307, 47 Stat. 409).

AMENDMENTS

1984—Pub. L. 98-216 substituted "Presidential" for "Bureau of Budget" in section catchline and substituted "President" for "Director of the Bureau of the Budget" in text.

DELEGATION OF FUNCTIONS

Authority of the President under this section to approve the use, from the appropriations available for printing and binding, of such sums as are necessary for the printing of journals, magazines, periodicals,

and similar publications delegated to the Director of the Office of Management and Budget, see section 9(7) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

§ 1109. Printing documents in two or more editions; full number and allotment of full quota

The number of copies of a public document or report authorized to be printed for an executive department, independent agency, or establishment of the Government may be supplied in two or more editions, instead of one, upon a requisition on the Public Printer by the head of the department or independent office, but the aggregate of the editions may not exceed the number of copies otherwise authorized. This section does not preclude the printing of the full number of a document or report, or the allotment of the full quota to Senators and Representatives, as otherwise authorized, when a legitimate demand for the full complement is known to exist.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1262.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 224 (Mar. 30, 1906, No. 14, 34 Stat. 826).

§ 1110. Daily examination of Congressional Record for immediate ordering of documents for official use; limit; bills and resolutions

The heads of executive departments, independent agencies and establishments, respectively, shall cause daily examination of the Congressional Record for the purpose of noting documents, reports, and other publications of interest to their departments, and shall cause an immediate order to be sent to the Public Printer for the number of copies of the publications required for official use, not to exceed, however, the number of bureaus in the department and divisions in the office of the head. The Public Printer shall send to each executive department, independent agency and establishment, as soon as printed, five copies of public bills and resolutions, except to the State Department, to which he shall send ten copies of bills and resolutions. When the head of a department, independent agency or establishment desires a greater number of a class of bills or resolutions for official use, the Public Printer shall furnish them on requisition promptly made.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1262.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 215 (Jan. 12, 1895, ch. 23, § 90, 28 Stat. 623; June 20, 1936, ch. 630, title IX, § 14, 49 Stat. 1553).

§ 1111. Annual reports: time for furnishing manuscript and proofs to Public Printer

The appropriations made for printing and binding may not be used for an annual report or the accompanying documents unless the manuscript and proof is furnished to the Public Printer in the following manner:

manuscript of the documents accompanying annual reports on or before February 1, each year;

manuscript of the annual report on or before February 15, each year;

complete revised proofs of the accompanying documents on March 1, each year, and of the annual reports on March 10, each year.

Annual reports and accompanying documents shall be printed, made public, and available for distribution not later than within the first five days after the assembling of each regular session of Congress.

This section does not apply to the annual reports of the Smithsonian Institution, the Commissioner of Patents, the Comptroller of the Currency, or the Secretary of the Treasury.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1263; Pub. L. 94-273, § 28, Apr. 21, 1976, 90 Stat. 380.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., Supp. II, § 121 (July 1, 1916, ch. 209, § 3, 39 Stat. 336; June 20, 1936, ch. 630, § 8, 49 Stat. 1550).

AMENDMENTS

1976—Pub. L. 94-273 substituted "February" for "November" and "March" for "December" wherever appearing.

CHANGE OF NAME

"Commissioner of Patents" redesignated "Commissioner of Patents and Trademarks", by section 3 of Pub. L. 93-596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

§ 1112. Annual reports: type for reports of executive officers

The annual reports of executive officers shall be printed in the same type and form as the report of the head of the department which it accompanies, unless otherwise ordered by the Joint Committee on Printing.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1263.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 222 (Jan. 12, 1895, ch. 23, § 91, 28 Stat. 623).

§ 1113. Annual reports: exclusion of irrelevant matter

Executive officers, before transmitting their annual reports, shall carefully examine them and all accompanying documents, and exclude all matter, including engravings, maps, drawings, and illustrations, except such as they certify in their letters transmitting the reports are necessary and relate entirely to the transaction of the public business.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1263.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 219 (part) (Jan. 12, 1895, ch. 23, § 94, 28 Stat. 623).

This section incorporates only the second clause of former section 219. The balance will be found in section 1102 of the revision.

§ 1114. Annual reports: number of copies for Congress

One thousand copies of the annual reports of the departments to Congress shall be printed

for the Senate, and two thousand for the House of Representatives.

The usual number only of the reports of the Chief of Engineers of the Army, the Commissioner of Patents, the Commissioner of Internal Revenue, the report of the Chief Signal Officer of the Department of the Army, and the Chief of Ordnance shall be printed.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1263.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 212 (part) (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 615).

This section incorporates only the second sentence of former section 212. The balance will be found in section 1115 of this revision.

CHANGE OF NAME

"Commissioner of Patents" redesignated "Commissioner of Patents and Trademarks", by section 3 of Pub. L. 93-596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

ABOLITION OF OFFICES

Positions of Chief Signal Officer and Chief of Ordinance of Army Department were abolished, see note set out under section 3036 of Title 10, Armed Forces.

§ 1115. Annual reports: time of delivery by Public Printer to Congress

The annual reports of the Executive Departments and the accompanying documents shall be delivered by the Public Printer to the proper officer of each House of Congress at its first meeting. Other reports of the Executive Departments shall be so delivered on or before the third Wednesday next after the meeting of Congress or as soon after as may be practicable.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1263.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code 1964 ed., § 212 (part) (R.S. 3810).

This section incorporates only the first sentence of former section 212. The balance will be found in section 1114 of this revision.

§ 1116. Annual reports: limitation on number of copies printed; reports of bureau chiefs

Not to exceed five thousand copies, bound in pamphlet form, of the annual reports without appendices of a head of a department may be printed in a fiscal year. Not to exceed two thousand five hundred copies, bound in pamphlet form, of the reports without appendices of a chief of bureau may be printed in a fiscal year.

A head of department shall direct whether reports made to him by a bureau chief and chief of division may be printed or not.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1263.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 213 (part) (Jan. 12, 1895, ch. 23, § 89, 28 Stat. 622).

This section incorporates only the first sentence of the second paragraph of former section 213 and the last paragraph of that section. The balance will be found in sections 1102, 1302, 1308, 1309, 1310, 1336 of the revision.

§ 1117. Annual reports: discontinuance of printing of annual or special reports to keep within appropriations

In order to keep expenditures for printing and binding within appropriations, heads of executive departments, independent offices and establishments of the Government may discontinue the printing of annual or special reports under their respective jurisdictions. When the printing of reports is discontinued the original copy shall be kept on file in the office of the heads of the respective departments, independent offices or establishments for public inspection.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1264.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 213a (Aug. 1, 1953, ch. 304, title I, § 103, 67 Stat. 332).

The term "executive departments, independent offices, and establishments of the Government" is substituted for "executive departments, independent agencies, and establishments" for uniformity.

§ 1118. Documents beyond scope of ordinary departmental business

A book or document not having to do with the ordinary business transactions of the executive departments may not be printed on the requisition of a department unless expressly authorized by Congress.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1264.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 219a (Mar. 3, 1905, ch. 1484, § 1, 33 Stat. 1249).

§ 1119. Government publications as public property

Government publications of a permanent nature furnished by authority of law to officers other than Members of Congress of the United States Government, for their official use, shall be stamped "Property of the United States Government," and shall be preserved by them and delivered to their successors in office as a part of the property of the office.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1264.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 92 (part) (Jan. 12, 1895, ch. 23, § 74, 28 Stat. 620; June 20, 1936, ch. 630, title VII, § 11, 49 Stat. 1552; Aug. 9, 1962, Pub. L. 87-679, § 8, 76 Stat. 355).

This section incorporates only the first sentence of former section 92. The balance will be found in section 1911 of the revision.

§ 1120. Blanks and letterheads for judges and officers of courts

Blanks and letterheads for use by judges and other officials of the United States courts, other than those required to be paid for by any of these officers out of the emoluments of their offices, shall be printed at the Government Printing Office upon forms prescribed by the Department of Justice, and shall be distributed by it upon requisition.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1264.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 119 (Jan. 12, 1895, ch. 23, § 97, 28 Stat. 624).

§ 1121. Paper and envelopes for Government agencies in the District of Columbia

The Public Printer may procure, under direction of the Joint Committee on Printing, as provided by sections 509-516 of this title, and furnish on requisition, paper and envelopes (not including envelopes printed in the course of manufacture) in common use by two or more departments, establishments, or services of the Government in the District of Columbia, and reimbursement shall be made to the Public Printer from appropriations or funds available for the purpose. Paper and envelopes so furnished by the Public Printer may not be procured in any other manner.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1264.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 225 (June 7, 1924, ch. 303, § 1, 43 Stat. 592).

§ 1122. Supplies for Government establishments

The Public Printer may procure and supply, on the requisition of the head of an executive department, independent office or establishment of the Government, complete manifold blanks, books, and forms required in duplicating processes, and complete patented devices with which to file money-order statements, or other uniform official papers, and charge them to the allotment for printing and binding of the department or Government establishment requiring them.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1264.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 227 (June 28, 1902, ch. 1301, § 1, 32 Stat. 481).

The term "executive department, independent office, or establishment of the government" is substituted for "executive department or other government establishment" for uniformity.

§ 1123. Binding materials; bookbinding for libraries

Binding for the departments of the Government shall be done in plain sheep or cloth, except that record and account books may be bound in Russia leather, sheep fleshers, and skivers, when authorized by the head of a department. The libraries of the several departments, the Library of Congress, the libraries of the Surgeon General's Office, the Patent Office, and the Naval Observatory may have books for the exclusive use of these libraries bound in half Turkey, or material no more expensive.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1264.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 116 (Jan. 12, 1895, ch. 23, § 86, 28 Stat. 622).

This section incorporates all but the first sentence of former section 116. The balance will be found in section 501 of the revision.

CHANGE OF NAME

"Patent Office" redesignated "Patent and Trademark Office", by section 3 of Pub. L. 93-596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

CROSS REFERENCES

Binding of journals, documents, and books of either house of Congress, see section 145 of Title 2, The Congress.

CHAPTER 13—PARTICULAR REPORTS AND DOCUMENTS

Sec.
1301. Agriculture, Department of: report of Secretary.
1302. Agriculture, Department of: monthly crop report and other publications.
1303. American Historical Association: report.
1304. Army and Navy registers.
1305. Attorney General: opinions.
1306. Civil Service Commission: report.
1307. National Oceanic and Atmospheric Administration: nautical and aeronautical products, sale and distribution.
1308. Coast Guard: annual report of the Commandant.
1309. Coast Guard: notices to mariners and other special publications.
1310. Commerce Department: navigation and weather information.
1311. Comptroller General: decisions.
1312. Director of Public Health of District of Columbia: report.
1313. Education, Commissioner of: report.
1314. Ephemeris and Nautical Almanac.
1315. Fish and Wildlife Service: bulletins.
1316. Fish and Wildlife Service: report of the Director.
1317. Foreign Relations.
1318. Geological Survey: classes and sizes of publications; report of mineral resources; number of copies; reprints; distribution.
1319. Geological Survey: specific appropriations required for monographs and bulletins.
1320. Geological Survey: distribution of publications to public libraries.
1320A. Historical societies' publications.
1321. Hydrographic Surveys; foreign surveys.
1322. Immigration and Naturalization Service: report.
1323. Interstate Commerce Commission: report.
1324. Labor Statistics, Bureau of: bulletins.
1325. Labor Statistics, Bureau of: report of Commissioner.
1326. Librarian of Congress: reports.
1327. Mines, Bureau of: publications.
1328. Merchant vessels of the United States.
1329. Mint: reports of Director.
1330. Monthly Summary Statement of Imports and Exports.
1331. National Academy of Sciences: report.
1332. National encampments of Veterans' organizations; proceedings printed annually for Congress.
1333. National high school and college debate topics.
1334. Naval Intelligence Office: additional copies of publications.
1335. Naval Observatory Observations.
1336. Naval Oceanographic Office: special publications.
1337. Patent Office: publications authorized to be printed.
1338. Patent Office: limitations and conditions concerning printing and lithographing.
1339. Printing of the President's message.

Sec.
1340. Public Printer: annual report.
1341. Smithsonian Institution: report.
1342. Soil area surveys: reports; congressional allotments.
1343. Statistical Abstract of the United States.
1344. Treasury Department: reports.

AMENDMENTS

1986—Pub. L. 99-272, title VI, § 6011(b), Apr. 7, 1986, 100 Stat. 122, substituted "National Oceanic and Atmospheric Administration: nautical and aeronautical products, sale and distribution" for "Environmental Science Service Administration: charts; sale and distribution" in item 1307.

1980—Pub. L. 96-536, § 101(c), Dec. 16, 1980, 94 Stat. 3167, added item 1320A.

FEDERAL RECORDS MANAGEMENT PROVISIONS WITHOUT EFFECT ON CHAPTER

Authority and responsibilities under chapter not limited or repealed by Federal Records Management Amendments of 1976, see section 5(b) of Pub. L. 94-575, set out as a note under section 2901 of this title.

CROSS REFERENCES

Administrative conference of the United States, reports of, see section 574 of Title 5, Government Organization and Employees.

Admiralty suits—

United States public vessels: damages, towage, or salvage; reports as to settlements, see section 790 of Title 46, Appendix, Shipping.

United States vessels or cargoes; reports as to awards and settlements, see section 752 of Title 46, Appendix.

Atomic Energy Act, reports to Congress, see section 2016 of Title 42, The Public Health and Welfare.

Board of Governors of Federal Reserve System, annual report, see section 247 of Title 12, Banks and Banking.

Census printing, bulletins, and reports; publication and distribution, see section 7 of Title 13, Census.

Censuses, see section 131 et seq. of Title 13.

Department of Housing and Urban Development, annual reports, see section 3536 of Title 42, The Public Health and Welfare.

Economic Indicators, monthly publication of Joint Economic Committee, see section 1025 of Title 15, Commerce and Trade.

Federal Communications Commission's reports, see section 154 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

Federal Hospital Insurance Trust Fund, reports of Board of Trustees, see section 1395i of Title 42, The Public Health and Welfare.

Federal Supplementary Medical Insurance Trust Fund, reports of Board of Trustees, see section 1395t of Title 42.

Gorgas Memorial Institute, annual report, see section 278a of Title 22, Foreign Relations and Intercourse.

Helium gas, annual reports by Secretary of Interior, see section 167n of Title 50, War and National Defense.

Housing renovation and modernization, statistical and economic surveys, see section 1715 of Title 12, Banks and Banking.

Indian affairs: printing and republication of Senate document on "Indian Affairs, Laws and Treaties", treaties on "Federal Indian Laws", and compilation of opinions of Solicitor of Department of Interior, see section 1341 of Title 25, Indians.

Interior Department, annual reports of department and its bureaus; page limitation, see section 1465 of Title 43, Public Lands.

Locomotive inspection, director of: Annual report, see section 31 of Title 45, Railroads.

Marine resources and engineering development, reports to Congress, see section 1106 of Title 33, Navigation and Navigable Waters.

National Science Foundation, reports of, see section 1862 of Title 42, The Public Health and Welfare.

Official territorial papers, collection, etc., by Administrator of General Services, see section 141 et seq., of Title 4, Flag and Seal, Seat of Government, and the States.

Public Health Service: annual report, see section 300aa-10 of Title 42, The Public Health and Welfare.

Rural electrification and telephone service, annual report, see section 910 of Title 7, Agriculture.

Saint Lawrence Seaway, annual and special reports, see section 989 of Title 33, Navigation and Navigable Waters.

Soldiers' and Airmen's Home—

Report of board of commissioners respecting receipts and disbursements, investments, admissions and discharges, and condition and management of Home, see section 59 of Title 24, Hospitals and Asylums.

Report of president of board of commissioners respecting financial and other affairs of Home, see section 42 of Title 24.

Technical, scientific, and engineering information; dissemination, see section 1151 et seq. of Title 15, Commerce and Trade.

Traffic and motor vehicle safety, annual report, see section 1408 of Title 15.

United Nations Organization, reports to Congress by President, see section 287b of Title 22, Foreign Relations and Intercourse.

§ 1301. Agriculture, Department of: report of Secretary

The annual report of the Secretary of Agriculture shall be submitted and printed in two parts, as follows:

part 1, containing purely business and executive matter necessary for the Secretary to submit to the President and Congress;

part 2, reports from the different bureaus and divisions, and papers prepared by their special agents, accompanied by suitable illustrations as are, in the opinion of the Secretary, specially suited to interest and instruct the farmers of the country, and to include a general report of the operations of the department for their information.

In addition to the usual number, there shall be printed of part 1, one thousand copies for the Senate, two thousand copies for the House of Representatives, and three thousand copies for the Department of Agriculture; and of part 2, one hundred and ten thousand copies for the use of the Senate, three hundred and sixty thousand copies for the use of the House of Representatives, and thirty thousand copies for the use of the Department of Agriculture, the illustrations for part 2 to be subject to the approval of the Secretary of Agriculture, and executed under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, and the title of each of the parts shall show that each part is complete in itself.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1265.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 241 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 612).

CROSS REFERENCES

Annual and special reports of Secretary of Agriculture, see section 2207 of Title 7, Agriculture.

Annual report on work of agricultural experiment stations and of college extension work; publication and distribution, see section 418 of Title 7.

Soil area surveys: reports, congressional allotments, see section 1342 of this title.

§ 1302. Agriculture, Department of: monthly crop report and other publications

The Secretary of Agriculture may cause to be printed the number of copies of the monthly crop report, and of other reports and bulletins of not more than one hundred octavo pages, he considers necessary.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1266.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 213 (part) (Jan. 12, 1895, ch. 23, § 89, 28 Stat. 622).

This section incorporates only the first clause of the second sentence of the second paragraph of former section 213. The balance of section 213 will be found in sections 1102, 1116, 1308, 1309, 1310, 1336.

§ 1303. American Historical Association: report

In addition to the usual number of the report of the American Historical Association, five thousand five hundred copies shall be printed: one thousand for the Senate, two thousand for the House of Representatives, one thousand five hundred for distribution by the Association and the Smithsonian Institution, and one thousand copies for the use of the Association.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1266.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 243 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 616; May 25, 1900, No. 27, 31 Stat. 717).

§ 1304. Army and Navy registers

In addition to the usual number of the registers of the Army and Navy, fifteen hundred copies of each shall be printed: five hundred for the Senate, and one thousand for the House of Representatives.

(Pub. L. 90-620, Oct. 22, 1968, § 82 Stat. 1266.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 245 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 616).

§ 1305. Attorney General: opinions

The Public Printer shall from time to time print an edition of one thousand copies of the opinions of the Attorney General, which shall be, as to size, quality of paper, printing, and binding, of uniform style and appearance, as nearly as practicable, with volume 8 of opinions, published in the year 1868. Each volume shall contain proper headnotes, a complete and full index, and such footnotes as the Attorney General approves. The volumes shall be distributed in the manner the Attorney General prescribes.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1266.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 296a (R.S. § 383).

§ 1306. Civil Service Commission: report

In addition to the usual number of the report of the Civil Service Commission twenty-three thousand copies shall be printed: one thousand for the Senate, two thousand for the House of Representatives, and twenty thousand for distribution by the Civil Service Commission.[1]

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1266.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 248 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 614).

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 1307. National Oceanic and Atmospheric Administration: nautical and aeronautical products, sale and distribution

(a)(1) All nautical and aeronautical products created or published by the National Oceanic and Atmospheric Administration shall be sold at such prices as the Secretary of Commerce shall establish annually, in accordance with the provisions of this subsection. The Secretary shall publish annually the prices at which nautical and aeronautical products are sold to the public.

(2)(A) Subject to subparagraph (B) of this paragraph, the prices of nautical and aeronautical products may be increased over a period of not less than three years after the date of enactment of this section so as to recover all costs attributable to data base management, compilation, printing, and distribution of such products. The prices of such products may be maintained to recover all such costs thereafter. At the end of such period and every three years thereafter, the Secretary, after consultation with the Secretary of Transportation, shall report to the Congress on the effect of imposing or maintaining such increased prices, including any impact on aviation and marine safety.

(B) The Secretary, after consultation with the Secretary of Transportation, shall adjust the prices of nautical or aeronautical products in such manner as is necessary to avoid any adverse impact on aviation and marine safety attributable to the prices specified in subparagraph (A) of this paragraph.

(3) This section shall not be construed to require the establishment of any price for a nautical or aeronautical product where, in the judgment of the Secretary, furnishing of that product to a recipient is a reasonable exchange for voluntary contribution of information by the recipient to a program of the National Oceanic and Atmospheric Administration.

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[1] See Transfer of Functions note below.

(4) Prices established under this section may not include costs attributable to the acquisition or processing of nautical or aeronautical data.

(b) Fees collected from the sale of nautical or aeronautical products under this section and from any licensing of such products which is permitted under any other provision of law shall be deposited in the miscellaneous receipts fund of the United States Treasury.

(c) The Secretary may distribute nautical and aeronautical products—

(1) without charge to each foreign government or international organization with which the Secretary or a Federal department or agency has an agreement for exchange of these products without cost; and

(2) at prices which the Secretary establishes, to the departments and officers of the United States requiring them for official use.

(d) The fees provided for in this section are for the purpose of reimbursing the United States Government for the costs of creating, publishing or distributing aeronautical and nautical products of the National Oceanic and Atmospheric Administration. The collection of fees authorized by this section shall not alter or expand any duty or liability of the United States under existing law for the performance of functions for which fees are collected, nor shall the collection of fees constitute an express or implied undertaking by the United States to perform any activity in a certain manner.

(e) For purposes of this section, the term "nautical and aeronautical products" includes all nautical and aeronautical charts, tide and tidal current tables, tidal current charts, coast pilots, water level products, and associated data bases which are created or published by the National Oceanic and Atmospheric Administration.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1266; Pub. L. 99-272, title VI, § 6011(a), Apr. 7, 1986, 100 Stat. 121.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 246 (Jan. 12, 1895, ch. 23, § 76, 28 Stat. 620; Feb. 14, 1903, ch. 552, §§ 4, 10, 32 Stat. 826, 829; July 1, 1916 ch. 209, § 1, 39 Stat. 320; June 5, 1920, ch. 235, § 1, 41 Stat. 929; Oct. 31, 1951, ch. 654, § 3(11), 65 Stat. 708; July 9, 1956, ch. 528, 70 Stat. 512; Aug. 14, 1964, Pub. L. 88-441, 78 Stat. 446).

The reference to the Environmental Science Service Administration is inserted on the authority of Reorganization Plan No. 2 of 1965.

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a)(2)(A), probably means the date of enactment of Pub. L. 99-272, which was approved Apr. 7, 1986.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-272 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "The charts published by the Environmental Science Service Administration shall be sold at cost of paper and printing as nearly as practicable. The price to the public shall include all expenses incurred in actual reproduction of the charts after the original cartography, such as photography, opaquing, platemaking, press time and bindery operations; the full postage rates, according to the rates for postal services used; and any additional cost factors considered appropriate by the Secretary such as overhead and administrative expenses allocable to the production of the charts and related reference materials. The costs of basic surveys and geodetic work done may not be included in the price of the charts and reference materials. The Secretary of Commerce shall publish the prices at which charts and reference materials are sold to the public at least once each calendar year."

Subsec. (b). Pub. L. 99-272 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "There may not be free distribution of charts except to the departments and officers of the United States requiring them for public use; and a number of copies of each sheet, not to exceed three hundred, to be presented to such foreign governments, libraries, and scientific associations, and institutions of learning as the Secretary of Commerce directs; but on the order of Senators and Representatives not to exceed one hundred copies to each may be distributed through the Environmental Science Service Administration."

Subsecs. (c) to (e). Pub. L. 99-272 added subsecs. (c) to (e).

CROSS REFERENCES

Dissemination of data and other activities, see section 883b of Title 33, Navigation and Navigable Waters.

Geomagnetic data; collection, correlation, and dissemination, see section 883c of Title 33.

Surveys and other activities, see section 883a of Title 33.

§ 1308. Coast Guard: annual report of the Commandant

The Secretary of the Department of Transportation may authorize the printing of the annual report of the Commandant of the Coast Guard in such editions as the interests of the Government and of the public require.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1267.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 213 (Jan. 12, 1895, ch. 23, § 89, 28 Stat. 622; Mar. 13, 1896, No. 23, 29 Stat. 466; Feb. 14, 1903, ch. 552, §§ 4, 10, 32 Stat. 826, 829; Mar. 3, 1925, ch. 421, § 4, 43 Stat. 1106; 1939 Reorg. Plan No. II, § 2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432; Aug. 4, 1949, ch. 393, §§ 1, 20, 63 Stat. 496, 561; Oct. 15, 1966, Pub. L. 89-670, 80 Stat. 931).

This section incorporates only so much of the third sentence of the second paragraph of former section 213 as relates to the annual report of the Commandant of the Coast Guard. The balance will be found in sections 1102, 1116, 1302, 1309, 1310, 1336 of the revision.

§ 1309. Coast Guard: notices to mariners and other special publications

The Secretary of the Department of Transportation may authorize the printing of notices to mariners and other special publications of the Coast Guard in such editions as the interests of the Government and of the public require.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1267.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 213 (part) (Jan. 12, 1895, ch. 23, § 89, 28 Stat. 622; Mar. 13, 1896, No. 23, 29 Stat. 466; Feb. 14, 1903, ch. 552, §§ 4, 10, 32 Stat. 826, 829; Mar. 3, 1925, ch. 421, § 4, 43 Stat. 1106; 1939 Reorg. Plan No. II, § 2(a), eff. July 1, 1939, 4 F.R. 2731,

53 Stat. 1432; Aug. 4, 1949, ch. 393, §§ 1, 20, 63 Stat. 496, 561; Oct. 15, 1966, Pub. L. 89-670, 80 Stat. 931).

This section incorporates applicable parts of the third sentence of the second paragraph of former section 213. The balance will be found in sections 1102, 1116, 1302, 1308, 1310, 1336 of the revision.

§ 1310. Commerce Department: navigation and weather information

The Secretary of Commerce may cause to be printed the number of copies of tide tables, coast pilots, and other special publications relating to the Coast and Geodetic Survey, Weather Bureau maps, charts, bulletins of not more than one hundred octavo pages, and minor reports of the Weather Bureau, he considers for the best interest of the Government.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1267.)

Historical and Revision Notes

Based on 44 U.S. Code, 1964 ed., § 213 (part) (Jan. 12, 1895, ch. 23, § 89, 28 Stat. 622; Mar. 13, 1896, No. 23, 29 Stat. 466; Mar. 3, 1925, ch. 421, § 4, 43 Stat. 1106; 1940 Reorg. Plan No. IV, § 8, eff. June 30, 1940, 54 Stat. 1234; Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318).

This section incorporates only parts of former section 213 relating to Coast and Geodetic Survey and Weather Bureau. The balance will be found in sections 1102, 1116, 1302, 1308, 1309, 1336 of the revision.

Change of Name

The Weather Bureau of the Department of Commerce was consolidated with the Coast and Geodetic Survey to form a new agency in the Department of Commerce to be known as the Environmental Science Services Administration and the office of Chief of the Weather Bureau was abolished by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the Bureau and the Chief of the Bureau were transferred to the Secretary of Commerce by the Plan.

The Environmental Science Services Administration was abolished by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees, which created the National Oceanic and Atmospheric Administration in the Department of Commerce. By Department Organization Order 25-5A, republished 39 F.R. 27486, the Secretary of Commerce delegated to NOAA his functions relating to the Weather Bureau. By order of the Acting Associate Administrator of NOAA, the organization name of the Weather Bureau was changed to the National Weather Service. By order of the Acting Associate Administrator of NOAA, 35 F.R. 19249, Dec. 19, 1970, the Coast and Geodetic Survey was redesignated the National Ocean Survey. For further details, see the Codification note set out under section 311 of Title 15, Commerce and Trade.

§ 1311. Comptroller General: decisions

The Public Printer shall print not more than one volume each of the decisions and opinions of the Comptroller General, with such explanatory matter as he may furnish, and furnish ten copies for the use of each Member of Congress; two thousand copies to the Comptroller General; and for distribution in the manner provided by section 7 of the Act of June 20, 1874 (18 Stat. 113), providing for the publication of the statutes, one-half the number therein mentioned.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1267.)

Historical and Revision Notes

Based on 44 U.S. Code, 1964 ed., § 297 (Aug. 3, 1882, No. 63, 22 Stat. 391; June 10, 1921, ch. 18, 42 Stat. 23-27).

References in Text

Section 7 of act June 20, 1874, ch. 333, 18 Stat. 113 [114], referred to in text, which provided for the distribution of bound volumes of the Statutes-at-Large by the Secretary of State, was repealed by act Jan. 12, 1895, ch. 23, §§ 73, 100, 28 Stat. 615, 624.

§ 1312. Director of Public Health of District of Columbia: report

In addition to the usual number of the report of the Director of Public Health of the District of Columbia, one thousand five hundred copies shall be printed: one hundred for the Senate, three hundred and sixty for the House of Representatives, and one thousand and forty for the Director of Public Health.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1267.)

Historical and Revision Notes

Based on 44 U.S. Code, 1964 ed., § 263 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 614; Aug. 1, 1950, ch. 513, § 1, 64 Stat. 393).

§ 1313. Education, Commissioner of: report

In addition to the usual number of the report of the Commissioner of Education, thirty-five thousand copies shall be printed: five thousand for the Senate, ten thousand for the House of Representatives, and twenty thousand for distribution by the Commissioner of Education.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1267.)

Historical and Revision Notes

Based on 44 U.S. Code, 1964 ed., § 253 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 614).

Transfer of Functions

The functions of the Commissioner of Education were transferred to the Secretary of Education pursuant to section 3441(a)(1) of Title 20, Education.

§ 1314. Ephemeris and Nautical Almanac

The "usual number" of copies of the American Ephemeris and Nautical Almanac may not be printed. Instead, there shall be printed and bound two thousand five hundred copies, uniform with the editions printed for the Department of the Navy, five hundred of which shall be for the use of the Senate, one thousand for the use of the House of Representatives, and one thousand for distribution or sale by the Department of the Navy. The Secretary of the Navy may cause to be published of the papers supplementary to the Ephemeris and Nautical Almanac, one thousand five hundred copies in addition to the usual number, one hundred copies for the Senate, four hundred for the House of Representatives, and one thousand for distribution or sale by the Department of the Navy. The Secretary of the Navy may cause additional copies of the Nautical Almanacs extracted from the Ephemeris, to be printed for the public service and for sale to navigators and others. Moneys received from sales of the Ephemeris and of the Nautical Almanacs shall

be deposited in the Treasury and placed to the credit of the general fund for public printing.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1267.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 254 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 613; May 13, 1902, No. 20, 32 Stat. 740; July 1, 1902, ch. 1368, 32 Stat. 678).

§ 1315. Fish and Wildlife Service: bulletins

In addition to the usual number of the bulletins of the Fish and Wildlife Service, five thousand copies shall be printed: one thousand for the Senate, two thousand for the House of Representatives, and two thousand for distribution by the Service.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1268.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 258 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 614; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232).

TRANSFER OF FUNCTIONS

The Fish and Wildlife Service, created by Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, was succeeded by the United States Fish and Wildlife Service established by act Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1119. See section 742b of Title 16, Conservation.

§ 1316. Fish and Wildlife Service: report of the Director

In addition to the usual number of the report of the Director of the Fish and Wildlife Service, eight thousand copies shall be printed: two thousand for the Senate, four thousand for the House of Representatives, and two thousand for distribution by the Service.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1268.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 259 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 614; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232).

TRANSFER OF FUNCTIONS

The Fish and Wildlife Service, created by Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, was succeeded by the United States Fish and Wildlife Service established by act Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1119. See section 742b of Title 16, Conservation.

§ 1317. Foreign Relations

In addition to the usual number of Foreign Relations, three thousand copies of each shall be printed: one thousand for the Senate and two thousand for the House of Representatives.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1268.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 250 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 613).

PUBLICATION OF "FOREIGN RELATIONS OF THE UNITED STATES" AT CONTINUING HIGH STANDARD OF DOCUMENTATION

Pub. L. 95-426, title I, § 120, Oct. 7, 1978, 92 Stat. 970, provided that:

"(a) The Congress finds that the Department of State publication 'Foreign Relations of the United States' plays an important role in making the documentary record of United States foreign relations available to the Congress and the American public.

"(b) The Secretary of State shall therefore insure that publication of the 'Foreign Relations of the United States' volumes is continued in such a manner as will maintain the high standard of comprehensive documentation already established by past volumes."

WRITTEN REQUESTS FOR DOCUMENTS

Pub. L. 94-59, title VIII, § 801, July 25, 1975, 89 Stat. 296, provided in part that: "Hereafter, notwithstanding any other provisions of law, appropriations for the automatic distribution to Senators and Representatives (including Delegates to Congress and the Resident Commissioner from Puerto Rico) of copies of the Foreign Relations of the United States, the United States Treaties and Other International Agreements, the District of Columbia Code and Supplements, and more than one bound set of the United States Code and Supplements shall not be available with respect to any Senator or Representative unless such Senator or Representative specifically, in writing, requests that he receive copies of such documents."

§ 1318. Geological Survey: classes and sizes of publications; report of mineral resources; number of copies; reprints; distribution

The publications of the Geological Survey shall consist of the annual report of the Director, which shall be confined to one volume of royal octavo size; monographs, of quarto size; professional papers, of quarto size; bulletins, of ordinary octavo size; watersupply and irrigation papers, of ordinary octavo size; and maps, folios, and atlases required by law.

In addition to the usual number of the report of the Geological Survey, ten thousand copies shall be printed: two thousand for the Senate, four thousand for the House of Representatives, four thousand for distribution by the Geological Survey.

The reports of the Geological Survey, except the annual report of the Director, shall be published in editions recommended in each case by the Director and approved by the Secretary of the Interior, but not to exceed ten thousand copies.

When the edition of a report of the Survey is exhausted, and the demand for it continues, there may be published, on the requisition of the Secretary of the Interior, as many additional copies of the report as the Director of the Survey states will, in his judgment, be necessary to meet the demand.

The report of the mineral resources of the United States shall be published in two octavo volumes and as a distinct publication, the number of copies, printing of separate chapters, and mode of distribution of which shall be the same as of the annual report.

Three thousand copies of the monographs and bulletins of the Geological Survey shall be published.

The bulletins and professional papers shall be distributed gratuitously and of the number published one thousand copies shall be delivered to the Senate and two thousand copies to the House of Representatives, for distribution.

The Director of the Geological Survey shall transmit to the Library of Congress two copies of every report of the bureau as soon as the

first delivery to the Survey is made, in addition to those received by the Library of Congress under any other law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1268.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 260 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 614; Mar. 2, 1895, ch. 189, § 1, 28 Stat. 960; June 11, 1896, ch. 420, § 1, 29 Stat. 453; June 4, 1897, ch. 2, § 1, 30 Stat. 61; Mar. 2, 1901, No. 17, 31 Stat. 1465; May 16, 1902, No. 22, 32 Stat. 741; Mar. 4, 1909, ch. 299, § 1, 35 Stat. 988).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 43 section 41.

§ 1319. Geological Survey: specific appropriations required for monographs and bulletins

The scientific reports known as the monographs and bulletins of the Geological Survey may not be published until specific and detailed estimates and specific appropriations based on these estimates are made for them. Engravings for the annual reports for monographs and bulletins, or of illustrations, sections, and maps, may not be made until specific estimates are submitted and specific appropriations made based on the estimates.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1269.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 261 (Jan. 12, 1895, ch. 23, § 79, 28 Stat. 621; June 7, 1924, ch. 303, 43 Stat. 592).

§ 1320. Geological Survey: distribution of publications to public libraries

The Director of the Geological Survey shall distribute to public libraries that have not already received them, copies of sale publications on hand at the expiration of five years after date of delivery to the Survey document room, excepting a reserve number not to exceed two hundred copies.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1269.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 262 (Mar. 3, 1903, ch. 1007, § 1, 32 Stat. 1146).

§ 1320A. Historical societies' publications

Notwithstanding any other provision of law, and with the approval of the Joint Committee on Printing, the Public Printer shall provide for such printing services and distribution with respect to publications of the United States Capitol Historical Society, the Supreme Court Historical Society, or the White House Historical Association as such Society or Association may request: *Provided,* That such Society or Association reimburses the Public Printer for the actual expenses incurred by him in providing for such services and distribution.

(Added Pub. L. 96-536, § 101(c), Dec. 16, 1980, 94 Stat. 3167.)

CODIFICATION

Section is based on section 304(a) of H.R. 7593, as passed the House of Representatives, July 21, 1980, and incorporated by reference in section 101(c) of Pub. L. 96-536, to be effective as if enacted into law.

§ 1321. Hydrographic Surveys; foreign surveys

Appropriations made for the preparation or publication of foreign hydrographic surveys may be applicable only upon approval by the Secretary of the Navy, after a report from three competent naval officers that the original data for proposed charts justify their publication. The Secretary of the Navy shall order a board of three naval officers to examine and report upon the data before he approves an application of moneys to the preparation or publication of charts or hydrographic surveys.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1269.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 265 (R.S. § 3686; Jan. 12, 1895, ch. 23, § 78, 28 Stat. 621).

§ 1322. Immigration and Naturalization Service: report

The number of copies, not to exceed five thousand, to be printed of the annual reports of the Immigration and Naturalization Service of the Department of Justice shall be subject to the discretion of the Attorney General.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1269.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 266 (Mar. 3, 1905, No. 33, 33 Stat. 1287; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737; Ex. Ord. No. 6166, § 14, June 10, 1933; 1940 Reorg. Plan No. V, § 1, eff. June 14, 1940, 5 F.R. 2223, 54 Stat. 1238).

§ 1323. Interstate Commerce Commission: report

In addition to the usual number of the annual report of the Interstate Commerce Commission, three thousand copies shall be printed: one thousand for the Senate, two thousand for the House, and for the use of the Commission that number of the report and other documents incident to interstate commerce for distribution by it as it considers expedient.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1269.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 269 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 614).

§ 1324. Labor Statistics, Bureau of: bulletins

There shall be printed one edition of fifteen thousand copies of each issue of the bulletin of the Bureau of Labor Statistics authorized by section 5 of Title 29, and extra copies not to exceed twenty thousand of any single issue, when in the opinion of the Commissioner of Labor Statistics the demand for the bulletin makes an extra edition necessary.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1269.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 270 (Mar. 2, 1895, ch. 177, § 1, 28 Stat. 805; June 4, 1897, ch. 2, § 1, 30 Stat. 61; June 6, 1900, ch. 791, § 1, 31 Stat. 644; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737).

§ 1325. Labor Statistics, Bureau of: report of Commissioner

In addition to the usual number of the report of the Commissioner of Labor Statistics, twenty-five thousand copies shall be printed: five thousand for the Senate, ten thousand for the House of Representatives, and ten thousand for distribution by the Commissioner.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1269.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 271 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 614; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737).

§ 1326. Librarian of Congress: reports

Five thousand copies of the annual and special reports of the Librarian of Congress submitted to Congress, shall be printed and bound in cloth for the Library of Congress.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1270.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 156 (Feb. 24, 1904, No. 8, 33 Stat. 583).

§ 1327. Mines, Bureau of: publications

The publications of the Bureau of Mines shall be published in editions recommended by the Secretary of the Interior, but not to exceed ten thousand copies for the first edition. When the edition of a publication of the Bureau of Mines is exhausted and the demand for it continues, there may be published, on the requisition of the Secretary of the Interior, as many additional copies as the Secretary of the Interior considers necessary to meet the demand.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1270.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 272 (June 25, 1910, No. 36 §§ 1, 2, 36 Stat. 883; Ex. Ord. No. 6611, Feb. 22, 1934).

§ 1328. Merchant vessels of the United States

Five thousand copies of the annual list of merchant vessels of the United States may be printed for distribution by the Coast Guard.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1270.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 249 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 616; Feb. 14, 1903, ch. 552, § 4, 32 Stat. 826; June 30, 1932, ch. 314, § 501, 47 Stat. 415; May 27, 1936, ch. 463, § 1, 49 Stat. 1380; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097).

The first paragraph of former section 249, act Jan. 12, 1895, ch. 23, sec. 73, 28 Stat. 616, was omitted as obsolete. Paragraph related to report on Commerce and Navigation and on Internal Commerce. These reports were discontinued.

§ 1329. Mint: reports of Director

There may be printed, in the discretion of the Secretary of the Treasury, for distribution by the Treasury Department, two thousand copies of the annual report of the Director of the Mint on the operations of the mint and assay offices with appendices, and of the annual report of the Director of the Mint on the production of precious metals.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1270.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 273 (Mar. 4, 1907, No. 24, 34 Stat. 1424).

§ 1330. Monthly Summary Statement of Imports and Exports

There shall be printed monthly by the Public Printer thirty-five hundred copies of the Monthly Summary Statement of Imports and Exports and other statistical information prepared by the Secretary of Commerce, five hundred for the Senate, one thousand for the House of Representatives, and two thousand for the Department of Commerce.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1270.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 298 (Dec. 18, 1895, No. 1, 29 Stat. 459; Feb. 14, 1903, ch. 552, § 4, 32 Stat. 826; Aug. 23, 1912, ch. 350, § 1, 37 Stat. 407; 1950 Reorg. Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263).

§ 1331. National Academy of Sciences: report

In addition to the usual number of the report of the National Academy of Sciences, two thousand copies shall be printed: five hundred for the Senate, one thousand for the House of Representatives, and five hundred for distribution by the National Academy of Sciences.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1270.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 275 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 616).

§ 1332. National encampments of Veterans' organizations; proceedings printed annually for Congress

The proceedings of the national encampments of the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, the Military Order of the Purple Heart, the Veterans of World War I of the United States of America, Incorporated, the Disabled American Veterans, and the AMVETS (American Veterans of World War II), respectively, shall be printed annually, with accompanying illustrations, as separate House documents of the session of the Congress to which they may be submitted.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1270.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 275b (Mar. 2, 1931, ch. 378, § 1, 46 Stat. 1481; Sept. 18, 1941, ch. 411, 55 Stat. 686; July 15, 1942, ch. 505, § 1, 56 Stat. 659; Aug. 27, 1963, Pub. L. 88-105, § 1, 77 Stat. 130; Dec. 21, 1963, Pub. L. 88-224, 77 Stat. 469).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 36 section 1103.

§ 1333. National high school and college debate topics

(a) The Librarian of Congress shall prepare compilations of pertinent excerpts, bibliographical references, and other appropriate materials relating to:

(1) the subject selected annually by the National University Extension Association as the national high school debate topic and

(2) the subject selected annually by the American Speech Association as the national college debate topic.

In preparing the compilations the Librarian shall include materials which in his judgment are representative of, and give equal emphasis to, the opposing points of view on the respective topics.

(b) The compilations on the high school debate topics shall be printed as Senate documents and the compilations on the college debate topics shall be printed as House of Representatives documents, the cost of which shall be charged to the congressional allotment for printing and binding. Additional copies may be printed in the quantities and distributed in the manner the Joint Committee on Printing directs.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1270.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., Supp. III, § 170 [§ 276a] (Dec. 30, 1963, Pub. L. 88-246, §§ 1, 2, 77 Stat. 802).

§ 1334. Naval Intelligence Office: additional copies of publications

In addition to one thousand copies previously authorized, the Secretary of the Navy may print extra copies of the publications of the Office of Naval Intelligence necessary for distribution to the naval service and to meet other official demands. The edition of any one publication may not exceed two thousand copies.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1271.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 278 (Mar. 21, 1900, No. 14, 31 Stat. 713).

§ 1335. Naval Observatory Observations

In addition to the usual number of the Observations of the Naval Observatory, one thousand eight hundred copies shall be printed: three hundred for the Senate, seven hundred for the House of Representatives, and eight hundred for distribution by the Naval Observatory; and of the astronomical appendixes to the Observations, one thousand two hundred separate copies, and of the meteorological and magnetic observations one thousand separate copies, for distribution by the Naval Observatory.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1271.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 279 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 613).

§ 1336. Naval Oceanographic Office: special publications

The Secretary of the Navy may authorize the printing of notices to mariners, light lists, sailing directions, bulletins, and other special publications of the United States Naval Oceanographic Office in editions the interests of the Government and of the public may require.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1271.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 213 (Jan. 12, 1895, ch. 23, § 89, 28 Stat. 622; Mar. 13, 1896, No. 23, 29 Stat. 466; Mar. 3, 1925, ch. 421, § 4, 43, Stat. 1106; July 10, 1962, Pub. L. 87-533, §§ 1, 2, 76 Stat. 154).

This section incorporates only part of the third sentence, second paragraph of former section 213. The balance will be found in sections 1102, 1116, 1302, 1308, 1309, 1310, of the revision.

TRANSFER OF FUNCTIONS

Functions assigned to the Secretary of the Navy and the Naval Oceanographic Office by sections 7391, 7392, 7393, and 7394 of Title 10, Armed Forces, were transferred, pursuant to authority contained in section 125 of Title 10, to the Secretary of Defense by Department of Defense Reorganization Order of March 28, 1972. The Defense Mapping Agency, which became operational on July 1, 1972, has been delegated authority by the Secretary of Defense to carry out the responsibilities assigned under this section. See sections 2791 to 2794 of Title 10.

§ 1337. Patent Office: publications authorized to be printed

The Commissioner of Patents, upon the requisition of the Secretary of Commerce may cause to be printed:

1. PATENTS ISSUED.—The patents for inventions and designs issued by the Patent Office, including grants, specifications, and drawings, together with copies of them, and of patents already issued, in the number needed for the business of the office.

2. TRADE-MARKS AND LABELS.—The certificates of trade-marks and labels registered in the Patent Office, including descriptions and drawings, together with copies of them, and of trade-marks and labels previously registered, in the numbers needed for the business of the office.

3. OFFICIAL GAZETTE.—The Official Gazette of the United States Patent Office in numbers sufficient to supply all who subscribe for it at $5 a year; also for exchange for other scientific publications desirable for the use of the Patent Office; also to supply one copy to each Senator and Representative in Congress; with one hundred additional copies, together with weekly, monthly, and annual indexes. The "usual number" of the Official Gazette may not be printed.

4. REPORT OF COMMISSIONER OF PATENTS.—The annual report of the Commissioner of Patents, not exceeding five hundred in number, for distribution by him; the annual report of the Commissioner of Patents to Congress, without the list of patents, not exceeding one thousand five hundred in number, for distribution by him; and the annual report of the Commissioner of Patents to Congress, with the list of pat-

ents, five hundred copies for sale by him, if needed, and in addition the "usual number" only shall be printed.

5. RULES OF PRACTICE, LAWS, ETC.—Pamphlet copies of the rules of practice, and of the patent laws, and pamphlet copies of the laws and rules relating to trade-marks and labels, and circulars relating to the business of the office, all in numbers as needed for the business of the office. The "usual number" may not be printed.

6. DECISIONS OF COMMISSIONER AND COURTS.—Annual volumes of the decisions of the Commissioner of Patents and of the United States courts in patent cases, not exceeding one thousand five hundred in number, of which the usual number shall be printed, and for this purpose a copy of each shall be transmitted to Congress promptly when prepared.

7. INDEXES.—Indexes to patents relating to electricity, and indexes to foreign patents, in the numbers needed for the business of the office. The "usual number" may not be printed.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1271.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 283 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 619, 620; Feb. 14, 1903, ch. 552, §§ 4, 12, 32 Stat. 826, 830; Aug. 24, 1912, ch. 355, § 1, 37 Stat. 481; Feb. 18, 1922, ch. 58, § 4, 42 Stat. 391; June 7, 1924, ch. 303, § 1, 43 Stat. 592).

CHANGE OF NAME

"Patent Office" and "Commissioner of Patents" redesignated "Patent and Trademark Office" and "Commissioner of Patents and Trademarks", respectively, by section 3 of Pub. L. 93-596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

CROSS REFERENCES

Commissioner of Patents and Trademarks, annual report to Congress, see section 14 of Title 35, Patents.

Copies of patents for public libraries, see section 13 of Title 35.

Copyright Office, see section 701 et seq. of Title 17, Copyrights.

Patent and Trademark Office publications, see section 11 of Title 35, Patents.

§ 1338. Patent Office: limitations and conditions concerning printing and lithographing

Printing for the Patent Office making use of lithography or photo-lithography, together with the plates, shall be contracted for and performed under the direction of the Commissioner of Patents, under limitations and conditions prescribed by the Joint Committee on Printing, and other printing for the Patent Office shall be done by the Public Printer under limitations and conditions prescribed by the Joint Committee on Printing. The entire work may be done at the Government Printing Office when in the judgment of the Joint Committee on Printing it is to the interest of the Government.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1272.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 284 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 620).

CHANGE OF NAME

"Patent Office" and "Commissioner of Patents" redesignated "Patent and Trademark Office" and "Commissioner of Patents and Trademarks", respectively, by section 3 of Pub. L. 93-596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

CROSS REFERENCES

Executive and judiciary printing and binding, restrictions on use of illustrations, see section 1104 of this title.

Government printing, binding, and blank-book work to be done at Government Printing Office, see section 501 of this title.

§ 1339. Printing of the President's Message

The message of the President without the accompanying documents and reports shall be printed in pamphlet form, immediately upon its receipt by Congress. In addition to the usual number, fifteen thousand copies shall be printed, of which five thousand shall be for the Senate, and ten thousand for the House of Representatives.

In addition to the usual number of the President's message and accompanying documents, there shall be printed one thousand copies for the Senate and two thousand for the House of Representatives. The President's message shall be delivered by the printer to the appropriate officers of each House of Congress on or before the third Wednesday next after the meeting of Congress, or as soon after as may be practicable.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1272.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 285 (R.S. § 3810; Jan. 12, 1895, ch. 23, § 73, 28 Stat. 615).

§ 1340. Public Printer: annual report

In addition to the usual number of the annual report of the Public Printer, one thousand copies shall be printed to be distributed under his direction.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1272.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 288 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 618).

§ 1341. Smithsonian Institution: report

In addition to the usual number of the report of the Smithsonian Institution ten thousand copies shall be printed: one thousand for the Senate, two thousand for the House of Representatives, five thousand for distribution by the Smithsonian Institution, and two thousand for distribution by the National Museum.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1272.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 289 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 616).

§ 1342. Soil area surveys: reports; congressional allotments

As soon as the manuscript can be prepared with the necessary maps and illustrations to accompany it, a report on each soil area surveyed by the Secretary of Agriculture shall be printed

in the form of advance sheets bound in paper covers, of which not more than two hundred and fifty copies shall be for the use of each Senator from the State and not more than one thousand copies for the use of each Representative for the congressional district or districts in which a survey is made, the actual number to be determined on inquiry by the Secretary of Agriculture made to the Senators and Representatives, and as many copies for the use of the Department of Agriculture as in the judgment of the Secretary of Agriculture are necessary. The Superintendent of Documents shall hold the total congressional and department edition for two years and distribute within these limitations according to the requests of the Senators, Representatives, or department, and at the expiration of the two-year period turn over to the Department of Agriculture the residue of the edition.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1272.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 290 (Feb. 23, 1901, No. 8, 31 Stat. 1462; June 3, 1902, ch. 985, 32 Stat. 303; Mar. 14, 1904, No. 9, 33 Stat. 583; July 7, 1932, ch. 443, § 1, 47 Stat. 612).

§ 1343. Statistical Abstract of the United States

In addition to the usual number of the Statistical Abstract of the United States, twelve thousand copies shall be printed: three thousand for the Senate, six thousand for the House of Representatives, and three thousand for distribution by the Secretary of Commerce.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1273.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 291 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 616; Aug. 23, 1912, ch. 350, § 1, 37 Stat. 407; 1950 Reorg. Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263).

§ 1344. Treasury Department: reports

In addition to the usual number of the finance report of the Secretary of the Treasury, one thousand copies for the Senate and two thousand for the House of Representatives shall be printed in addition to those published as part of the departmental report.

In addition to the usual number of the annual report of the Comptroller of the Currency, thirteen thousand copies shall be printed: one thousand for the Senate, two thousand for the House of Representatives, and ten thousand for distribution by the Comptroller of the Currency.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1273.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 295 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 616; Mar. 4, 1907, No. 25, 34 Stat. 1425).

CHAPTER 15—FEDERAL REGISTER AND CODE OF FEDERAL REGULATIONS

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AMENDMENTS

1977—Pub. L. 95-94, title IV, § 408(a)(2), Aug. 5, 1977, 91 Stat. 683, substituted "Costs of publication, etc." for "Cost of publication; appropriations authorized; penalty mail privilege" in item 1509.

FEDERAL RECORDS MANAGEMENT PROVISIONS WITHOUT EFFECT ON CHAPTER

Authority and responsibilities under chapter not limited or repealed by Federal Records Management Amendments of 1976, see section 5(b) of Pub. L. 94-575, set out as a note under section 2901 of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 15 sections 77sss, 80a-38.

§ 1501. Definitions

As used in this chapter, unless the context otherwise requires—

"document" means a Presidential proclamation or Executive order and an order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument, issued, prescribed, or promulgated by a Federal agency;

"Federal agency" or "agency" means the President of the United States, or an executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government;

"person" means an individual, partnership, association, or corporation; and

"National Archives of the United States" has the same meaning as in section 2901(11) of this title.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1273; Pub. L. 98-497, title I, § 107(b)(2), Oct. 19, 1984, 98 Stat. 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 304 (July 26, 1935, ch. 417, § 4, 49 Stat. 501).

AMENDMENTS

1984—Pub. L. 98-497 inserted definition of "National Archives of the United States".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 1502. Custody and printing of Federal documents; appointment of Director

The Archivist of the United States, acting through the Office of the Federal Register, is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published by section 1505 of this title. There shall be at the head of the Office a director, appointed by, and who shall act under the general direction of, the Archivist of the United States in carrying out this chapter and the regulations prescribed under it.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1273; Pub. L. 98-497, title I, § 107(b)(3), Oct. 19, 1984, 98 Stat. 2287.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 301 (July 26, 1935, ch. 417, § 1, 49 Stat. 500; 1939 Reorg. Plan No. II, § 202, eff. July 1, 1939, 4 F.R. 2732, 53 Stat. 1435; June 30, 1949, ch. 288, title I, § 104(a), 63 Stat. 381).

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist of the United States" for "Administrator of General Services" wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 1503. Filing documents with Office; notation of time; public inspection; transmission for printing

The original and two duplicate originals or certified copies of a document required or authorized to be published by section 1505 of this title shall be filed with the Office of the Federal Register, which shall be open for that purpose during all hours of the working days when the National Archives Building is open for official business. The Archivist of the United States shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing. When the original is issued, prescribed, or promulgated outside the District of Columbia, and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon filing, at least one copy shall be immediately available for public inspection in the Office. The original shall be retained by the National Archives and Records Administration and shall be available for inspection under regulations prescribed by the Archivist, unless such original is disposed of in accordance with disposal schedules submitted by the Administrative Committee of the Federal Register and authorized by the Archivist pursuant to regulations issued under chapter 33 of this title; however, originals of proclamations of the President and Executive orders shall be permanently retained by the Administration as part of the National Archives of the United States. The Office shall transmit immediately to the Government Printing Office for printing, as provided by this chapter, one duplicate original or certified copy of each document required or authorized to be published by section 1505 of this title. Every Federal agency shall cause to be transmitted for filing the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1274; Pub. L. 95-440, § 2, Oct. 10, 1978, 92 Stat. 1063; Pub. L. 98-497, title I, § 107(b)(4), Oct. 19, 1984, 98 Stat. 2287.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 302 (July 26, 1935, ch. 417, § 2, 49 Stat. 500; June 30, 1949, ch. 288, title I, § 104(a), 63 Stat. 381).

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist of the United States" for "Administrator of General Services", "National Archives and Records Administration" for "General Services Administration", and "Archivist" for "Administrator" wherever appearing.

1978—Pub. L. 95-440 substituted provision for retention of original documents by the General Services Administration for prior provision for retention in the archives of the National Archives and inserted provisions dispensing with such retention when disposals are made in accordance with disposal schedules and requiring retention of original proclamations of the President and Executive orders as part of the National Archives.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1504, 1506, 1507 of this title.

§ 1504. "Federal Register"; printing; contents; distribution; price

Documents required or authorized to be published by section 1505 of this title shall be printed and distributed immediately by the Government Printing Office in a serial publication designated the "Federal Register." The Public Printer shall make available the facilities of the Government Printing Office for the

prompt printing and distribution of the Federal Register in the manner and at the times required by this chapter and the regulations prescribed under it. The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Office of the Federal Register up to the time of the day immediately preceding the day of distribution fixed by regulations under this chapter. There shall be printed with each document a copy of the notation, required to be made by section 1503 of this title, of the day and hour when, upon filing with the Office, the document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at a time in the morning of the day of distribution fixed by regulations prescribed under this chapter. The prices to be charged for the Federal Register may be fixed by the Administrative Committee of the Federal Register established by section 1506 of this title without reference to the restrictions placed upon and fixed for the sale of Government publications by sections 1705 and 1708 of this title.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1274.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964, ed., § 303 (July 26, 1935, ch. 417, § 3, 49 Stat. 500).

§ 1505. Documents to be published in Federal Register

(a) Proclamations and Executive Orders; documents having general applicability and legal effect; documents required to be published by Congress

There shall be published in the Federal Register—

(1) Presidential proclamations and Executive orders, except those not having general applicability and legal effect or effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof;

(2) documents or classes of documents that the President may determine from time to time have general applicability and legal effect; and

(3) documents or classes of documents that may be required so to be published by Act of Congress.

For the purposes of this chapter every document or order which prescribes a penalty has general applicability and legal effect.

(b) Documents authorized to be published by regulations; comments and news items excluded

In addition to the foregoing there shall also be published in the Federal Register other documents or classes of documents authorized to be published by regulations prescribed under this chapter with the approval of the President, but comments or news items of any character may not be published in the Federal Register.

(c) Suspension of requirements for filing of documents; alternate systems for promulgating, filing, or publishing documents; preservation of originals

In the event of an attack or threatened attack upon the continental United States and a determination by the President that as a result of an attack or threatened attack—

(1) publication of the Federal Register or filing of documents with the Office of the Federal Register is impracticable, or

(2) under existing conditions publication in the Federal Register would not serve to give appropriate notice to the public of the contents of documents, the President may, without regard to any other provision of law, suspend all or part of the requirements of law or regulation for filing with the Office or publication in the Federal Register of documents or classes of documents.

The suspensions shall remain in effect until revoked by the President, or by concurrent resolution of the Congress. The President shall establish alternate systems for promulgating, filing, or publishing documents or classes of documents affected by such suspensions, including requirements relating to their effectiveness or validity, that may be considered under the then existing circumstances practicable to provide public notice of the issuance and of the contents of the documents. The alternate systems may, without limitation, provide for the use of regional or specialized publications or depositories for documents, or of the press, the radio, or similar mediums of general communication. Compliance with alternate systems of filing or publication shall have the same effect as filing with the Office or publication in the Federal Register under this chapter or other law or regulation. With respect to documents promulgated under alternate systems, each agency shall preserve the original and two duplicate originals or two certified copies for filing with the Office when the President determines that it is practicable.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1274.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964, ed., § 305 (July 26, 1935, ch. 417, § 5, 49 Stat. 501; June 25, 1956, ch. 444, 70 Stat. 337).

EX. ORD. NO. 11030. PREPARATION, PRESENTATION, FILING, AND PUBLICATION OF EXECUTIVE ORDERS AND PROCLAMATIONS

Ex. Ord. No. 11030, June 19, 1962, 27 F.R. 5847, as amended by Ex. Ord. 11354, May 23, 1967, 32 F.R. 7695; Ex. Ord. No. 12080, Sept. 18, 1978, 43 F.R. 42235, provided:

By virtue of the authority vested in me by the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. 301 *et seq.*) [now this chapter], and as President of the United States, I hereby prescribe the following regulations governing the preparation, presentation, filing, and publication of Executive orders and proclamations:

SECTION 1. *Form.* Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) The order or proclamation shall be given a suitable title.

(b) The order or proclamation shall contain a citation of the authority under which it is issued.

(c) Punctuation, capitalization, spelling, and other matters of style shall, in general, conform to the most recent edition of the Style Manual of the United States Government Printing Office.

(d) The spelling of geographic names shall conform to the decisions of the Board on Geographic Names, established by Section 2 of the Act of July 25, 1947, 61 Stat. 456 (43 U.S.C. 364a).

(e) Descriptions of tracts of land shall conform, so far as practicable, to the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," prepared by the Bureau of Land Management, Department of the Interior.

(f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 × 13 inches, shall have a left-hand margin of approximately 1½ inches and a right-hand margin of approximately 1 inch, and shall be double-spaced, except that quotations, tabulations, and descriptions of land may be single-spaced.

(g) Proclamations issued by the President shall conclude with the following described recitation—

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, in the year of our lord _____, and of the Independence of the United States of America, the _____.

SEC. 2. *Routing and approval of drafts.* (a) A proposed Executive order or proclamation shall first be submitted, with seven copies thereof, to the Director of the Bureau of the Budget [now Director of the Office of Management and Budget], together with a letter, signed by the head or other properly authorized officer of the originating Federal agency, explaining the nature, purpose, background, and effect of the proposed Executive order or proclamation and its relationship, if any, to pertinent laws and other Executive orders or proclamations.

(b) If the Director of the Bureau of the Budget [now Director of the Office of Management and Budget] approves the proposed Executive order or proclamation, he shall transmit it to the Attorney General for his consideration as to both form and legality.

(c) If the Attorney General approves the proposed Executive order or proclamation, he shall transmit it to the Director of the Office of the Federal Register, National Archives and Records Service, General Services Administration: *Provided*, that in cases involving sufficient urgency the Attorney General may transmit it directly to the President; and *provided further*, that the authority vested in the Attorney General by this section may be delegated by him, in whole or in part, to the Deputy Attorney General, Solicitor General, or to such Assistant Attorney General as he may designate.

(d) After determining that the proposed Executive order or proclamation conforms to the requirements of Section 1 of this order and is free from typographical or clerical errors, the Director of the Office of the Federal Register shall transmit it and three copies thereof to the President.

(e) If the proposed Executive order or proclamation is disapproved by the Director of the Bureau of the Budget [now Director of the Office of Management and Budget] or by the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by a statement of the reasons for such disapproval.

SEC. 3. *Routing and certification of originals and copies.* (a) If the order or proclamation is signed by the President, the original and two copies thereof shall be forwarded to the Director of the Office of the Federal Register for publication in the FEDERAL REGISTER.

(b) The Office of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations forwarded as provided in subsection (a) of this section the following notation, to be signed by the Director or by some person authorized by him to sign such notation: "Certified to be a true copy of the original."

SEC. 4. *Proclamations calling for the observance of special days or events.* Except as may be otherwise provided by law, responsibility for the preparation and presentation of proposed proclamations calling for the observance of special days, or other periods of time, or events shall be assigned by the Director of the Bureau of the Budget [now Director of the Office of Management and Budget] to such agencies as he may consider appropriate. Such proposed proclamations shall be submitted to the Director at least sixty days before the date of the specified observance. Notwithstanding the provisions of Section 2, the Director shall transmit any approved commemorative proclamations to the President.

SEC. 5. *Proclamations of treaties excluded.* Consonant with the provisions of section 12 of the Federal Register Act (49 Stat. 503; 44 U.S.C. 312) [now section 1511 of this title], nothing in this order shall be construed to apply to treaties, conventions, protocols, or other international agreeements, or proclamations thereof by the President.

SEC. 6. *Definition.* The term "Presidential proclamations and Executive orders," as used in Section 5(a) of the Federal Register Act (44 U.S.C. 305(a)) [now subsec. (a) of this section], shall, except as the President or his representative may hereafter otherwise direct, be deemed to include such attachments thereto as are referred to in the respective proclamations or orders.

SEC. 7. *Prior order.* Upon its publication in the FEDERAL REGISTER, this order shall supersede Executive Order No. 10006 of October 9, 1948.

The regulations prescribed by this order shall be codified under Title 1 of the Code of Federal Regulations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1502-1504, 1506, 1507 of this title.

§ 1506. Administrative Committee of the Federal Register; establishment and composition; powers and duties

The Administrative Committee of the Federal Register shall consist of the Archivist of the United States or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Federal Register shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out this chapter. The regulations shall provide, among other things—

(1) the manner of certification of copies required to be certified under section 1503 of this title, which certification may be permitted to be based upon confirmed communications from outside the District of Columbia;

(2) the documents which shall be authorized under section 1505(b) of this title to be published in the Federal Register;

(3) the manner and form in which the Federal Register shall be printed, reprinted, and compiled, indexed, bound, and distributed;

(4) the number of copies of the Federal Register, which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees, of the United States, or Federal agency, for official use, and the number which shall be available for distribution to the public; and

(5) the prices to be charged for individual copies of, and subscriptions to, the Federal

Register and reprints and bound volumes of it.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1275; Pub. L. 98-497, title I, § 107(b)(5), Oct. 19, 1984, 98 Stat. 2287.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §§ 306, 391 (part) (July 26, 1935, ch. 417, § 6, 49 Stat. 501; June 30, 1949, ch. 288, title I, § 104, 63 Stat. 381).

This section incorporates only the last sentence from former section 391(b). The remainder of that section will be found in sections 2102, 2301, 2501, and 2902 of the revision.

AMENDMENTS

1984—Pub. L. 98-497 struck out "The authority of the Administrator of General Services, under section 754 of title 40, to regroup, transfer, and distribute functions within the General Services Administration, does not extend to the Committee or its functions."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

DELEGATION OF FUNCTIONS

For delegations of functions vested in the President by section 6 of the Federal Register Act [now this section], to the Attorney General and Archivist of the United States, see section 6(b) of Ex. Ord. No. 10530, May 11, 1954, 19 F.R. 2709, as amended, set out as a note under section 301 of Title 3, The President. See, also, section 103(b)(1) of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1504 of this title.

§ 1507. Filing document as constructive notice; publication in Federal Register as presumption of validity; judicial notice; citation

A document required by section 1505(a) of this title to be published in the Federal Register is not valid as against a person who has not had actual knowledge of it until the duplicate originals or certified copies of the document have been filed with the Office of the Federal Register and a copy made available for public inspection as provided by section 1503 of this title. Unless otherwise specifically provided by statute, filing of a document, required or authorized to be published by section 1505 of this title, except in cases where notice by publication is insufficient in law, is sufficient to give notice of the contents of the document to a person subject to or affected by it. The publication in the Federal Register of a document creates a rebuttable presumption—

(1) that it was duly issued, prescribed, or promulgated;

(2) that it was filed with the Office of the Federal Register and made available for public inspection at the day and hour stated in the printed notation;

(3) that the copy contained in the Federal Register is a true copy of the original; and

(4) that all requirements of this chapter and the regulations prescribed under it relative to the document have been complied with.

The contents of the Federal Register shall be judicially noticed and without prejudice to any other mode of citation, may be cited by volume and page number.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1276.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 307 (July 26, 1935, ch. 417, § 7, 49 Stat. 502).

§ 1508. Publication in Federal Register as notice of hearing

A notice of hearing or of opportunity to be heard, required or authorized to be given by an Act of Congress, or which may otherwise properly be given, shall be deemed to have been given to all persons residing within the States of the Union and the District of Columbia, except in cases where notice by publication is insufficient in law, when the notice is published in the Federal Register at such a time that the period between the publication and the date fixed in the notice for the hearing or for the termination of the opportunity to be heard is—

(1) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of Congress; or

(2) not less than fifteen days when time for publication is not specifically prescribed by the Act, without prejudice, however, to the effectiveness of a notice of less than fifteen days where the shorter period is reasonable.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1276.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 308 (July 26, 1935, ch. 417, § 8, 49 Stat. 502; June 25, 1959, Pub. L. 86-70, § 34, 73 Stat. 149; July 12, 1960, Pub. L. 86-624, § 33, 74 Stat. 421).

§ 1509. Costs of publication, etc.

(a) The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and the Code of Federal Regulations, and, except as provided in subsection (b), other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this chapter shall be charged to the revolving fund provided in section 309. Reimbursements for such costs and expenses shall be made by the Federal agencies and credited, together with all receipts, as provided in section 309(b).

(b) The cost of printing, reprinting, wrapping, binding, and distributing all other publications of the Federal Register program, and other expenses incurred by the Government Printing Office in connection with such publications, shall be borne by the appropriations to the Government Printing Office and the appropriations are made available, and are authorized to be increased by additional sums necessary for the purposes, the increases to be based upon estimates submitted by the Public Printer.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1277; Pub. L. 95-94, title IV, § 408(a)(1), Aug. 5, 1977, 91 Stat. 683.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 309 (July 26, 1935, ch. 417, § 9, 49 Stat. 502).

A reference to section 10 of Act June 19, 1934 is deleted because of the repeal of that section by Act June 30, 1949.

AMENDMENTS

1977—Pub. L. 95-94 substituted "Costs of publication, etc." for "Cost of publication; appropriations authorized; penalty mail privilege" in section catchline, added subsec. (a), designated former first paragraph as subsec. (b) and, in subsec. (b) as so designated, inserted provision restricting coverage to the other publications of the Federal Register program and struck out provision requiring payments for the Federal Register to be covered into the Treasury as miscellaneous receipts and former second paragraph relating to penalty mail privileges for the Federal Register.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 408(b) of Pub. L. 95-94 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1977."

§ 1510. Code of Federal Regulations

(a) The Administrative Committee of the Federal Register, with the approval of the President, may require, from time to time as it considers necessary, the preparation and publication in special or supplemental editions of the Federal Register of complete codifications of the documents of each agency of the Government having general applicability and legal effect, issued or promulgated by the agency by publication in the Federal Register or by filing with the Administrative Committee, and are relied upon by the agency as authority for, or are invoked or used by it in the discharge of, its activities or functions, and are in effect as to facts arising on or after dates specified by the Administrative Committee.

(b) A codification published under subsection (a) of this section shall be printed and bound in permanent form and shall be designated as the "Code of Federal Regulations." The Administrative Committee shall regulate the binding of the printed codifications into separate books with a view to practical usefulness and economical manufacture. Each book shall contain an explanation of its coverage and other aids to users that the Administrative Committee may require. A general index to the entire Code of Federal Regulations shall be separately printed and bound.

(c) The Administrative Committee shall regulate the supplementation and the collation and republication of the printed codifications with a view to keeping the Code of Federal Regulations as current as practicable. Each book shall be either supplemented or collated and republished at least once each calendar year.

(d) The Office of the Federal Register shall prepare and publish the codifications, supplements, collations, and indexes authorized by this section.

(e) The codified documents of the several agencies published in the supplemental edition of the Federal Register under this section, as amended by documents subsequently filed with the Office and published in the daily issues of the Federal Register shall be prima facie evidence of the text of the documents and of the fact that they are in effect on and after the date of publication.

(f) The Administrative Committee shall prescribe, with the approval of the President, regulations for carrying out this section.

(g) This section does not require codification of the text of Presidential documents published and periodically compiled in supplements to Title 3 of the Code of Federal Regulations.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1277.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 311 (July 26, 1935, ch. 417, § 11, 49 Stat. 503; June 19, 1937, ch. 369, 50 Stat. 304; 1939 Reorg. Plan No. II, § 202, eff. July 1, 1939, 4 F.R. 2732, 53 Stat. 1435; Dec. 10, 1942, ch. 717, § 2, 56 Stat. 1045; June 30, 1949, ch. 288, title I, § 104(b), 63 Stat. 381; Aug. 5, 1953, ch. 333, 67 Stat. 388; Dec. 2, 1963, Pub. L. 88-190, § 1, 77 Stat. 343).

RETROACTIVE AND PROSPECTIVE APPLICATION

Pub. L. 88-190, § 2, Dec. 2, 1963, 77 Stat. 344, provided that: "Section 11 of the Federal Register Act [section 311 of former Title 44, Public Printing and Documents, now this section], as amended by the first section of this Act [amending subsecs. (b) to (d) and (g) of such section 311, now subsecs. (b) to (d) and (g) of this section], shall apply to the Code of Federal Regulations previously authorized and published as well as to future publications made pursuant to that section as so amended."

DELEGATION OF FUNCTIONS

For delegation of functions vested in the President by section 11(a) and (f) of the Federal Register Act [now subsecs. (a) and (f) of this section], to the Attorney General and Archivist of the United States, see section 6(b) of Ex. Ord. No. 10530, May 11, 1954, 19 F.R. 2709, as amended, set out as a note under section 301 of Title 3, The President. See, also, section 103(b)(1) of Pub. L. 98-497, set out as a note under section 2102 of this title.

CODIFICATION OF EXECUTIVE AND ADMINISTRATIVE DOCUMENTS

Under authority of section 11(d) of the Federal Register Act [now subsec. (d) of this section] the Administrative Committee of the Federal Register issued regulations for the codification of executive and administrative documents, approved by the President Nov. 10, 1937, and set out in F.R. 2849 D.I., 2450 B.V.

§ 1511. International agreements excluded from provisions of chapter

This chapter does not apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1278.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 312 (July 26, 1935, ch. 417, § 12, 49 Stat. 503).

CHAPTER 17—DISTRIBUTION AND SALE OF PUBLIC DOCUMENTS

Sec.
1701. Publications for public distribution to be distributed by the Public Printer; mailing lists.
1702. Superintendent of Documents; sale of documents.

Sec.
1703. Superintendent of Documents: assistants, blanks, printing and binding.
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1705. Printing additional copies for sale to public; regulations.
1706. Printing and sale of extra copies of documents.
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1711. Catalog of Government publications.
1712. Documents for use of the Public Printer.
1713. Documents to be delivered to the Executive Mansion.
1714. Publications for use of General Services Administration.[1]
1715. Publications for department or officer or for congressional committees.
1716. Public documents for legations and consulates of United States.
1717. Documents and reports for foreign legations.
1718. Distribution of Government publications to the Library of Congress.
1719. International exchange of Government publications.
1720. Documents not needed by departments to be turned over to Superintendent of Documents.
1721. Exchange of documents by heads of departments.
1722. Departmental distribution of publications.

FEDERAL RECORDS MANAGEMENT PROVISIONS WITHOUT EFFECT ON CHAPTER

Authority and responsibilities under chapter not limited or repealed by Federal Records Management Amendments of 1976, see section 5(b) of Pub. L. 94-575, set out as a note under section 2901 of this title.

CROSS REFERENCES

Distribution of reports and digests: publications—distribution to courts, see section 413 of Title 28, Judiciary and Judicial Procedure; sale of Supreme Court reports, see section 412 of Title 28; Supreme Court reports—printing, binding, and distribution, see section 411 of Title 28; transmittal of books to successors, see section 414 of Title 28.

National Fisheries Center and Aquarium: catalogs, brochures, etc.; distribution and sale by Secretary of Interior, see section 1052 of Title 16, Conservation.

Secretary of Agriculture: loan, rental, or sale of films, see section 2246 of Title 7, Agriculture; manufacture and sale of copies of bibliographies, photographic reproductions of books, and library supplies, see section 2244 of Title 7; sale of photographic prints and maps, see section 2243 of Title 7; sale of prints and lantern slides, see section 2245 of Title 7; Tax Court reports, sale of, see section 7462 of Title 26, Internal Revenue Code.

§ 1701. Publications for public distribution to be distributed by the Public Printer; mailing lists

Money appropriated by any Act may not be used for services in an executive department or other Government establishment at the District of Columbia, in the work of addressing, wrapping, mailing, or otherwise dispatching a publication for public distribution, except maps, weather reports, and weather cards issued by them or for the purchase of material or supplies to be used in this work. The Public Printer shall perform this work at the Government Printing Office. The head of an executive department, independent office, and establishment of the Government at the District of Columbia, shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes in them, or penalty mail slips, for use in the public distribution of publications issued by the department or establishment. The Public Printer may furnish copies of a publication only in accordance with law or the instruction of the head of the department or establishment issuing the publication.

This section does not apply to orders, instructions, directions, notices, or circulars of information printed for and issued by an executive department or other Government establishment or to the distribution of public documents by Senators or Members of the House of Representatives or to the Senate Service Department, House of Representatives Publications Distribution Service, and document rooms of the Senate or House of Representatives.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1278.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 95 (Aug. 23, 1912, ch. 350, § 8, 37 Stat. 414; July 2, 1954, ch. 455, title I, § 101, 68 Stat. 397).

"House of Representatives Publications Distribution Service" is substituted for "House Folding Room" because of the change of name under authority of Public Law 88-652.

The term "executive department, independent office, and establishment of the Government" is substituted for "executive department and other Government establishment" for uniformity.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1722 of this title.

§ 1702. Superintendent of Documents; sale of documents

The Public Printer shall appoint a competent person to act as Superintendent of Documents who shall be under the control of the Public Printer.

When an officer of the Government having in his charge documents published for sale desires to be relieved of them, he may turn them over to the Superintendent of Documents, who shall receive and sell them under this section. Moneys received from the sale of documents shall be returned to the Public Printer on the first day of each month and be covered into the Treasury monthly.

The Superintendent of Documents shall also report monthly to the Public Printer the number of documents received by him and the disposition made of them. He shall have general supervision of the distribution of all public documents, and to his custody shall be committed all documents subject to distribution, excepting those printed for the special official use of the executive departments, which shall be delivered to the departments, and those printed

[1] Section catchline amended by Pub. L. 98-497 without corresponding amendment of chapter analysis.

for the use of the two Houses of Congress, which shall be delivered to the Senate Service Department and House of Representatives Publications Distribution Service and distributed or delivered ready for distribution to Members upon their order by the superintendents of the Senate Service Department and House Publications Distribution Service, respectively.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1279.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §§ 71, 73 (part) (Jan. 12, 1895, ch. 23, § 61, 28 Stat. 610; June 25, 1910, ch. 384, § 1, 36 Stat. 770; Aug. 7, 1946, ch. 770, § 1(62), 60 Stat. 871).

This section incorporates only part of former section 73. The balance will be found in section 308 of the revision.

"House of Representatives Publications Distribution Service" is substituted for "House Folding Room" because of the change of name under authority of Public Law 88-652.

CROSS REFERENCES

Copyrights, catalog of entries; distribution and sale, see section 707 of Title 17, Copyrights.

Economic Indicators, distribution, see section 1025 of Title 15, Commerce and Trade.

Prices for sales copies of publication, cost basis plus 50 percent and discounts, see section 1708 of this title.

Printing of reentry permits and blank forms of manifest and crew lists; sale to public, see section 1352 of Title 8, Aliens and Nationality.

Reprinting of documents required for sale, see section 1707 of this title.

Senate Service Department and House Publications Distribution Service, see section 740 of this title.

United States Statutes at Large, distribution, see section 728 of this title.

§ 1703. Superintendent of Documents: assistants, blanks, printing and binding

The Public Printer, upon the requisition of the Superintendent of Documents, shall appoint necessary assistants, furnish blanks, and do the printing and binding required by his office, the cost to be charged against the appropriation for printing and binding for Congress. The Public Printer shall provide convenient office, storage, and distributing rooms for the use of the Superintendent of Documents.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1279.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 74 (Jan. 12, 1895, ch. 23, § 66, 28 Stat. 611).

§ 1704. Superintendent of Documents: pay of employees for night, Sunday, holiday, and overtime work

Employees in the office of the Superintendent of Documents may be paid for night, Sunday, holiday, and overtime work at rates not in excess of the rates of additional pay for this work allowed other employees of the Government Printing Office under section 305 of this title.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1279.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 75 (Mar. 4, 1925, ch. 549, § 1, 43 Stat. 1300; May 13, 1926, ch. 294, § 1, 44 Stat. 552; Feb. 23, 1927, ch. 166, 44 Stat. 1160).

§ 1705. Printing additional copies for sale to public; regulations

The Public Printer shall print additional copies of a Government publication, not confidential in character, required for sale to the public by the Superintendent of Documents, subject to regulation by the Joint Committee on Printing and without interference with the prompt execution of printing for the Government.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1279.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 72 (May 11, 1922, ch. 189, § 1, 42 Stat. 541; June 30, 1932, ch. 314, § 307, 47 Stat. 409).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1504 of this title.

§ 1706. Printing and sale of extra copies of documents

The Public Printer shall furnish to applicants giving notice before the matter is put to press, not exceeding two hundred and fifty to any one applicant, copies of bills, reports, and documents. The applicants shall pay in advance the price of the printing. The printing of these copies for private parties may not interfere with the printing for the Government.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1279.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 114 (Jan. 12, 1895, ch. 23, § 42, 28 Stat. 607; June 30, 1932, ch. 314, § 307, 47 Stat. 409).

§ 1707. Reprinting of documents required for sale

The Superintendent of Documents may order reprinted, from time to time, public documents required for sale, subject to the approval of the Secretary or head of the department in which the public document originated. The appropriation for printing and binding shall be reimbursed for the cost of reprints from the moneys received by the Superintendent of Documents from the sale of public documents.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1280.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 79 (Mar. 28, 1904, No. 11, 33 Stat. 584).

§ 1708. Prices for sales copies of publications; crediting of receipts; resale by dealers; sales agents

The price at which additional copies of Government publications are offered for sale to the public by the Superintendent of Documents shall be based on the cost as determined by the Public Printer plus 50 percent. A discount of not to exceed 25 percent may be allowed to book dealers and quantity purchasers, but the printing may not interfere with prompt execution of work for the Government. Receipts from general sales of publications in excess of the total costs and expenses incurred in connection with the publication and sale thereof, as determined by the Public Printer, shall be de-

posited in the Treasury of the United States to the credit of miscellaneous receipts.

The Superintendent of Documents may prescribe terms and conditions under which he authorizes the resale of Government publications by book dealers, and he may designate any Government officer his agent for the sale of Government publications under regulations agreed upon by the Superintendent of Documents and the head of the respective department or establishment of the Government.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1280; Pub. L. 95-94, title IV, § 409(a), Aug. 5, 1977, 91 Stat. 683.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 72a (June 30, 1932, ch. 314, § 307, 47 Stat. 409).

AMENDMENTS

1977—Pub. L. 95-94 substituted "Receipts from general sales of publications in excess of the total costs and expenses incurred in connection with the publication and sale thereof, as determined by the Public Printer," for "Surplus receipts from sales".

EFFECTIVE DATE OF 1977 AMENDMENT

Section 409(b) of Pub. L. 95-94 provided that: "The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1977."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1504 of this title.

§ 1709. Blank forms: printing and sale to public

The Public Printer may print for sale by the Superintendent of Documents to the public, upon prepayment, additional copies of approved Government blank forms.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1280.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 94 (June 7, 1924, ch. 303, § 1, 43 Stat. 592).

§ 1710. Index of documents: number and distribution

The Superintendent of Documents, at the close of each regular session of Congress, shall prepare and publish a comprehensive index of public documents, upon a plan approved by the Joint Committee on Printing. The Public Printer shall, immediately upon its publication, deliver to him a copy of every document printed by the Government Printing Office. The head of each executive department, independent agency and establishment of the Government shall deliver to him a copy of every document issued or published by the department, bureau, or office not confidential in character. He shall also prepare and print in one volume a consolidated index of Congressional documents, and shall index single volumes of documents as the Joint Committee on Printing directs. Two thousand copies each of the comprehensive index and of the consolidated index shall be printed and bound in addition to the usual number, two hundred for the Senate, eight hundred for the House of Representatives and one thousand for distribution by the Superintendent of Documents.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1280.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 76 (Jan. 12, 1895, ch. 23, § 62, 28 Stat. 610).

§ 1711. Catalog of Government publications

On the first day of each month the Superintendent of Documents shall prepare a catalog of Government publications which shall show the documents printed during the preceding month, where obtainable, and the price. Two thousand copies of the catalog shall be printed in pamphlet form for distribution.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1280.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 77 (Jan. 12 1895, ch. 23, § 69, 28 Stat. 612).

§ 1712. Documents for use of the Public Printer

The Public Printer may retain out of all documents, bills, and resolutions printed the number of copies absolutely needful for the official use of the Government Printing Office, not exceeding five of each.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1281.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 81 (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 618).

§ 1713. Documents to be delivered to the Executive Mansion

The Public Printer shall deliver to the Executive Mansion two copies of each document, bill, and resolution as soon as printed and ready for distribution.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1281.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 80 (Jan. 12, 1895, ch. 23, § 88, 28 Stat. 622).

§ 1714. Publications for use of National Archives and Records Administration

The Public Printer shall print and deliver to the National Archives and Records Administration for use by the Archivist of the United States, including use by the Presidential Library established for the President during whose term the documents were issued, which shall be chargeable to Congress three copies each of the following publications:

House documents and public reports, bound;

Senate documents and public reports, bound;

Senate and House journals, bound;

United States Code and Supplements, bound;

United States Statutes at Large, bound;

the United States Reports, bound;

all other documents bearing a congressional number, or printed upon order of a committee in either House of Congress, or of a department, independent agency or establishment, commission, or officer of the Govern-

ment, except confidential matter, blank forms, and circular letters not of a public character; and

public bills and resolutions in Congress in each parliamentary stage.

The Superintendent of Documents shall furnish, without cost, copies of publications available for free distribution.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1281; Pub. L. 98-497, title I, § 107(b)(6), Oct. 19, 1984, 98 Stat. 2287.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 215a (Jan. 12, 1895, ch. 23, § —, as added June 17, 1935, ch. 267, 49 Stat. 386, and amended June 30, 1949, ch. 288, title I, § 104(a), 63 Stat. 381; Oct. 15, 1966, Pub. L. 89-678, 80 Stat. 956.)

AMENDMENTS

1984—Pub. L. 98-497 substituted "National Archives and Records Administration" for "General Services Administration" in section catchline and text.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 1715. Publications for department or officer or for congressional committees

When printing not bearing a congressional number, except confidential matter, blank forms, and circular letters not of a public character, is done for a department or officer of the Government, or not of a confidential character, is done for use of congressional committees, two copies shall be sent, unless withheld by order of the committee, by the Public Printer to the Senate and House of Representatives libraries, respectively, and one copy each to the document rooms of the Senate and House of Representatives, for reference; and these copies may not be removed.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1281.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 217 (part) (Jan. 12, 1895, ch. 23, § 58, 28 Stat. 610; Mar. 1, 1907, ch. 2284, § 4, 34 Stat. 1014).

The last clause of this section is eliminated, as superseded by former section 85, now found in section 1903 of the revision.

§ 1716. Public documents for legations and consulates of United States

Only books published by the Government, and usually known by the name of "Public Documents," may be supplied to a legation or consulate of the United States as are first designated by the Secretary of State, by an order to be recorded in the State Department, as suitable for and required by the legation and consulate.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1281.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 91a (R.S. § 504).

§ 1717. Documents and reports for foreign legations

Documents and reports may be furnished to foreign legations to the United States upon request stating those desired and requisition upon the Public Printer by the Secretary of State. Gratuitous distribution may only be made to legations whose Governments furnish to legations from the United States copies of their printed and legislative documents desired.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1281.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 91 (Jan. 12, 1895, ch. 23, § 75, 28 Stat. 620).

§ 1718. Distribution of Government publications to the Library of Congress

There shall be printed and furnished to the Library of Congress for official use in the District of Columbia not to exceed twenty-five copies of:

House documents and reports, bound;

Senate documents and reports, bound;

Senate and House journals, bound;

public bills and resolutions;

the United States Code and supplements, bound; and

all other publications and maps which are printed, or otherwise reproduced, under authority of law, upon the requisition of a Congressional committee, executive department, bureau, independent office, establishment, commission, or officer of the Government.

Confidential matter, blank forms, and circular letters not of a public character shall be excepted.

In addition, there shall be delivered as printed to the Library of Congress:

ten copies of each House document and report, unbound;

ten copies of each Senate document and report, unbound; and

ten copies of each private bill and resolution and fifty copies of the laws in slip form.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1282; Pub. L. 97-276, § 101(e), Oct. 2, 1982, 96 Stat. 1189.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 139 (Jan. 28, 1899, No. 12, 30 Stat. 1388; Mar. 2, 1901, No. 16, §§ 1, 2, 31 Stat. 1464; June 20, 1936, ch. 630, title IV, § 6, 49 Stat. 1550).

Reference to the Official Register is omitted as obsolete. The authorization for its compilation was repealed by Public Law 88-626.

CODIFICATION

The 1982 amendment by Pub. L. 97-276 is based on section 305(a) of S. 2939, Ninety-seventh Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by reference in section 101(e) of Pub. L. 97-276, to be effective as if enacted into law.

AMENDMENTS

1982—Pub. L. 97-276 substituted "not to exceed twenty-five copies of" for ", and for international exchange as provided by section 1719 of this title, not to exceed one hundred and fifty copies of".

CROSS REFERENCES

American Printing House for the Blind, books for Library of Congress, see section 105 of Title 20, Education.

Geological Survey reports, distribution of two additional copies to the Library of Congress, see section 1318 of this title.

House and Senate documents and reports, distribution to the Library of Congress, see section 701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 701, 906 of this title.

§ 1719. International exchange of Government publications

For the purpose of more fully carrying into effect the convention concluded at Brussels on March 15, 1886, and proclaimed by the President of the United States on January 15, 1889, there shall be supplied to the Superintendent of Documents not to exceed one hundred and twenty-five copies each of all Government publications, including the daily and bound copies of the Congressional Record, for distribution to those foreign governments which agree, as indicated by the Library of Congress, to send to the United States similar publications of their governments for delivery to the Library of Congress. Confidential matter, blank forms, circular letters not of a public character, publications determined by their issuing department, office, or establishment to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value, and publications classified for reasons of national security shall be exempted from this requirement. The printing, binding, and distribution costs of any publications distributed in accordance with this section shall be charged to appropriations provided the Superintendent of Documents for that purpose.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1282; Pub. L. 97-276, § 101(e), Oct. 2, 1982, 96 Stat. 1189; Pub. L. 99-500, § 101(j), Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, § 101(j), Oct. 30, 1986, 100 Stat. 3341-287, as amended Pub. L. 100-71, title I, July 11, 1987, 101 Stat. 425.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964. ed., § 139a (Mar. 2, 1901, No. 16, § 3, 31 Stat. 1465; Mar. 3, 1925, ch. 421, § 7, 43 Stat. 1106; June 20, 1936, ch. 630, title IV, § 6, 49 Stat. 1550).

REFERENCES IN TEXT

There were two conventions concluded at Brussels on Mar. 15, 1886, and proclaimed by the President on Jan. 15, 1889: one was a convention "for the international exchange of official documents, scientific, and literary publications"; the other was "for the immediate exchange of the official journals, parliamentary annals, and documents."

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

The 1986 amendment is based on section 306 of title III of H.R. 5203 (see House Report 99-805 as filed in the House on Aug. 15, 1986), and incorporated by reference in section 101(j) of Pub. L. 99-500 and 99-591, as amended by Pub. L. 100-71, to be effective as if enacted into law.

The 1982 amendment by Pub. L. 97-276 is based on section 305(b) of S. 2939, Ninety-seventy Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by reference in section 101(e) of Pub. L. 97-276, to be effective as if enacted into law.

AMENDMENTS

1986—Pub. L. 99-500 and 99-591, as amended by Pub. L. 100-71, amended last sentence generally, substituting "charged to appropriations provided the Superintendent of Documents for that purpose" for "chargeable to the department, office, or establishment issuing the publication". See Codification note above.

1982—Pub. L. 97-276 substituted "Superintendent of Documents" for first reference to "Library of Congress" and "for distribution to those foreign governments which agree, as indicated by the Library of Congress, to send to the United States similar publications of their governments for delivery to the Library of Congress, through the Smithsonian Institution, to foreign governments which agree to send to the United States similar publications of their governments for delivery to the Library of Congress", and inserted "Confidential matter, blank forms, circular letters not of a public character, publications determined by their issuing department, office, or establishment to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value, and publications classified for reasons of national security shall be exempted from this requirement. The printing, binding, and distribution costs of any publication distributed in accordance with this section shall be chargeable to the department, office, or establishment issuing the publication."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 701, 906 of this title.

§ 1720. Documents not needed by departments to be turned over to Superintendent of Documents

Public documents accumulating in the several executive departments, bureaus, and offices, not needed for official use, shall be turned over to the Superintendent of Documents annually for distribution or sale.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1282.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 78 (Jan. 12, 1895, ch. 23, § 67, 28 Stat. 611).

§ 1721. Exchange of documents by heads of departments

Heads of departments may exchange surplus documents for other documents and books required by them, when it is to the advantage of the public service.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1282.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 93 (Jan. 12, 1895, ch. 23, § 95, 28 Stat. 623).

§ 1722. Departmental distribution of publications

Government publications printed for or received by the executive departments, whether for official use or for distribution, except those required by section 1701 of this title to be distributed by the Public Printer, shall be distributed by a competent person detailed to this duty in each department by the head of the department. He shall prevent duplication and

make detailed report to the head of the department.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1282.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 96 (Jan. 12, 1895, ch. 23, § 92, 28 Stat. 623; May 29, 1928, ch. 901, § 1(2), 45 Stat. 986).

CHAPTER 19—DEPOSITORY LIBRARY PROGRAM

Sec.
1901. Definition of Government publication.
1902. Availability of Government publications through Superintendent of Documents; lists of publications not ordered from Government Printing Office.
1903. Distribution of publications to depositories; notice to Government components; cost of printing and binding.
1904. Classified list of Government publications for selection by depositories.
1905. Distribution to depositories; designation of additional libraries; justification; authorization for certain designations.
1906. Land-grant colleges constituted depositories.
1907. Libraries of executive departments, service academies, and independent agencies constituted depositories; certifications of need; disposal of unwanted publications.
1908. American Antiquarian Society to receive certain publications.
1909. Requirements of depository libraries; reports on conditions; investigations; termination; replacement.
1910. Designations of replacement depositories; limitations on numbers; conditions.
1911. Free use of Government publications in depositories; disposal of unwanted publications.
1912. Regional depositories; designation; functions; disposal of publications.
1913. Appropriations for supplying depository libraries; restriction.
1914. Implementation of depository library program by Public Printer.
1915. Highest State appellate court libraries as depository libraries.
1916. Designation of libraries of accredited law schools as depository libraries.

AMENDMENTS

1978—Pub. L. 95-261, § 2, Apr. 17, 1978, 92 Stat. 199, added item 1916.

1972—Pub. L. 92-368, § 1(b), Aug. 10, 1972, 86 Stat. 507, added item 1915.

FEDERAL RECORDS MANAGEMENT PROVISIONS WITHOUT EFFECT ON CHAPTER

Authority and responsibilities under chapter not limited or repealed by Federal Records Management Amendments of 1976, see section 5(b) of Pub. L. 94-575, set out as a note under section 2901 of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3317 of this title.

§ 1901. Definition of Government publication

"Government publication" as used in this chapter, means informational matter which is published as an individual document at Government expense, or as required by law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1283.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 81a (Pub. L. 87-579, § 1, Aug. 9, 1962, 76 Stat. 352).

§ 1902. Availability of Government publications through Superintendent of Documents; lists of publications not ordered from Government Printing Office

Government publications, except those determined by their issuing components to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value and publications classified for reasons of national security, shall be made available to depository libraries through the facilities of the Superintendent of Documents for public information. Each component of the Government shall furnish the Superintendent of Documents a list of such publications it issued during the previous month, that were obtained from sources other than the Government Printing Office.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1283.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 81b (Pub. L. 87-579, § 1, Aug. 9, 1962, 76 Stat. 352).

§ 1903. Distribution of publications to depositories; notice to Government components; cost of printing and binding

Upon request of the Superintendent of Documents, components of the Government ordering the printing of publications shall either increase or decrease the number of copies of publications furnished for distribution to designated depository libraries and State libraries so that the number of copies delivered to the Superintendent of Documents is equal to the number of libraries on the list. The number thus delivered may not be restricted by any statutory limitation in force on August 9, 1962. Copies of publications furnished the Superintendent of Documents for distribution to designated depository libraries shall include—

the journals of the Senate and House of Representatives;

all publications, not confidential in character, printed upon the requisition of a congressional committee;

Senate and House public bills and resolutions; and

reports on private bills, concurrent or simple resolutions;

but not so-called cooperative publications which must necessarily be sold in order to be self-sustaining.

The Superintendent of Documents shall currently inform the components of the Government ordering printing of publications as to the number of copies of their publications required for distribution to depository libraries. The cost of printing and binding those publications distributed to depository libraries obtained elsewhere than from the Government Printing Office, shall be borne by components of the Government responsible for their issuance; those requisitioned from the Government

Printing Office shall be charged to appropriations provided the Superintendent of Documents for that purpose.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1283.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 85 (part) (Mar. 1, 1907, ch. 2284, § 4, 34 Stat. 1014; June 25, 1938, ch. 708, 52 Stat. 1206; Aug. 9, 1962, Pub. L. 87-579, § 5, 76 Stat. 354).

The last paragraph of former section 85 will be found in section 1906 of the revision.

§ 1904. Classified list of Government publications for selection by depositories

The Superintendent of Documents shall currently issue a classified list of Government publications in suitable form, containing annotations of contents and listed by item identification numbers to facilitate the selection of only those publications needed by depository libraries. The selected publications shall be distributed to depository libraries in accordance with regulations of the Superintendent of Documents, as long as they fulfill the conditions provided by law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1284.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964, ed. § 83 (R.S. § 502; Jan. 12, 1895, ch. 23, §§ 53, 61, 28 Stat. 608, 610; Aug. 9, 1962, Pub. L. 87-579, § 3, 76 Stat. 353).

§ 1905. Distribution to depositories; designation of additional libraries; justification; authorization for certain designations

The Government publications selected from lists prepared by the Superintendent of Documents, and when requested from him, shall be distributed to depository libraries specifically designated by law and to libraries designated by Senators, Representatives, and the Resident Commissioner from Puerto Rico, by the Commissioner of the District of Columbia,[1] and by the Governors of Guam, American Samoa, and the Virgin Islands, respectively. Additional libraries within areas served by Representatives or the Resident Commissioner from Puerto Rico may be designated by them to receive Government publications to the extent that the total number of libraries designated by them does not exceed two within each area. Not more than two additional libraries within a State may be designated by each Senator from the State. Before an additional library within a State, congressional district or the Commonwealth of Puerto Rico is designated as a depository for Government publications, the head of that library shall furnish his Senator, Representative, or the Resident Commissioner from Puerto Rico, as the case may be, with justification of the necessity for the additional designation. The justification, which shall also include a certification as to the need for the additional depository library designation, shall be signed by the head of every existing depository library within the congressional district or the Commonwealth of Puerto Rico or by the head of the library authority of the State or the Commonwealth of Puerto Rico, within which the additional depository library is to be located. The justification for additional depository library designations shall be transmitted to the Superintendent of Documents by the Senator, Representative, or the Resident Commissioner from Puerto Rico, as the case may be. The Commissioner of the District of Columbia may designate two depository libraries in the District of Columbia, the Governor of Guam and the Governor of American Samoa may each designate one depository library in Guam and American Samoa, respectively, and the Governor of the Virgin Islands may designate one depository library on the island of Saint Thomas and one on the island of Saint Croix.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1284.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 82 (R.S. § 501; Mar. 1, 1907, ch. 2284, § 4, 34 Stat. 1014; Aug. 9, 1962, Pub. L. 87-579, § 2, 76 Stat. 353).

TRANSFER OF FUNCTIONS

The office of Commissioner of the District of Columbia, as established under Reorg. Plan No. 3 of 1967, eff. Nov. 3, 1967 (in part), 32 F.R. 11669, 81 Stat. 948, was abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by the office of Mayor of the District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code.

DISTRICT OF COLUMBIA PUBLIC LIBRARY AS DEPOSITORY

Act Sept. 28, 1943, ch. 243, 57 Stat. 568, provided: "That the Public Library of the District of Columbia is hereby constituted a designated depository of governmental publications, and the Superintendent of Documents shall supply to such library one copy of each such publication, in the same form as supplied to other designated depositories."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1910 of this title; title 17 section 707.

§ 1906. Land-grant colleges constituted depositories

Land-grant colleges are constituted depositories to receive Government publications subject to the depository laws.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1284.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 85 (part) (Mar. 1, 1907, ch. 2284, § 4, 34 Stat. 1014; June 25, 1938, ch. 708, 52 Stat. 1206; Aug. 9, 1962, Pub. L. 87-579, 76 Stat. 354).

This section is from the last paragraph of former section 85; the remainder of that section will be found in section 1903 of the revision.

§ 1907. Libraries of executive departments, service academies, and independent agencies constituted depositories; certifications of need; disposal of unwanted publications

The libraries of the executive departments, of the United States Military Academy, of the United States Naval Academy, of the United States Air Force Academy, of the United States Coast Guard Academy, and of the United

[1] See Transfer of Functions note below.

States Merchant Marine Academy are designated depositories of Government publications. A depository library within each independent agency may be designated upon certification of need by the head of the independent agency to the Superintendent of Documents. Additional depository libraries within executive departments and independent agencies may be designated to receive Government publications to the extent that the number so designated does not exceed the number of major bureaus or divisions of the departments and independent agencies. These designations may be made only after certification by the head of each executive department or independent agency to the Superintendent of Documents as to the justifiable need for additional depository libraries. Depository libraries within executive departments and independent agencies may dispose of unwanted Government publications after first offering them to the Library of Congress and the Archivist of the United States.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1285.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 87 (Jan. 12, 1895, ch. 23, § 98, 28 Stat. 624; Aug. 9, 1962, Pub. L. 87-579, § 7, 76 Stat. 355).

ARCHIVIST OF THE UNITED STATES

References to Archivist of the United States deemed to refer to Archivist appointed under section 2103 of this title with respect to functions transferred by Pub. L. 98-497 or an amendment made by Pub. L. 98-497 and exercised after Apr. 1, 1985, see sections 106 and 108 of Pub. L. 98-497, set out as notes under section 2102 of this title.

§ 1908. American Antiquarian Society to receive certain publications

One copy of the public journals of the Senate and of the House of Representatives, and of the documents published under the orders of the Senate and House of Representatives, respectively, shall be transmitted to the Executive of the Commonwealth of Massachusetts for the use and benefit of the American Antiquarian Society of the Commonwealth.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1285.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 88 (Dec. 1, 1814, No. 7, 3 Stat. 248).

§ 1909. Requirements of depository libraries; reports on conditions; investigations; termination; replacement

Only a library able to provide custody and service for depository materials and located in an area where it can best serve the public need, and within an area not already adequately served by existing depository libraries may be designated by Senators, Representatives, the Resident Commissioner from Puerto Rico, the Commissioner of the District of Columbia,[2] or the Governors of Guam, American Samoa, or the Virgin Islands as a depository of Government publications. The designated depository libraries shall report to the Superintendent of Documents at least every two years concerning their condition.

The Superintendent of Documents shall make firsthand investigation of conditions for which need is indicated and include the results of investigations in his annual report. When he ascertains that the number of books in a depository library is below ten thousand, other than Government publications, or it has ceased to be maintained so as to be accessible to the public, or that the Government publications which have been furnished the library have not been properly maintained, he shall delete the library from the list of depository libraries if the library fails to correct the unsatisfactory conditions within six months. The Representative or the Resident Commissioner from Puerto Rico in whose area the library is located or the Senator who made the designation, or a successor of the Senator, and, in the case of a library in the District of Columbia, the Commissioner of the District of Columbia, and, in the case of a library in Guam, American Samoa, or the Virgin Islands, the Governor, shall be notified and shall then be authorized to designate another library within the area served by him, which shall meet the conditions herein required, but which may not be in excess of the number of depository libraries authorized by laws within the State, district, territory, or the Commonwealth of Puerto Rico, as the case may be.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1285.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 86 (Jan. 12, 1895, ch. 23, § 70, 28 Stat. 612; Aug. 9, 1962, Pub. L. 87-579, § 6, 76 Stat. 354).

TRANSFER OF FUNCTIONS

The office of Commissioner of the District of Columbia, as established under Reorg. Plan No. 3 of 1967, eff. Nov. 3, 1967 (in part), 32 F.R. 11669, 81 Stat. 948, was abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by the office of Mayor of the District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1916 of this title.

§ 1910. Designations of replacement depositories; limitations on numbers; conditions

The designation of a library to replace a depository library, other than a depository library specifically designated by law, may be made only within the limitations on total numbers specified by section 1905 of this title, and only when the library to be replaced ceases to exist, or when the library voluntarily relinquishes its depository status, or when the Superintendent of Documents determines that it no longer fulfills the conditions provided by law for depository libraries.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1286.)

[2] See Transfer of Functions note below.

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 84 (June 23, 1913, ch. 3, § 5, 38 Stat. 75; Aug. 9, 1962, Pub. L. 87-579, § 4, 76 Stat. 353).

§ 1911. Free use of Government publications in depositories; disposal of unwanted publications

Depository libraries shall make Government publications available for the free use of the general public, and may dispose of them after retention for five years under section 1912 of this title, if the depository library is served by a regional depository library. Depository libraries not served by a regional depository library, or that are regional depository libraries themselves, shall retain Government publications permanently in either printed form or in microfacsimile form, except superseded publications or those issued later in bound form which may be discarded as authorized by the Superintendent of Documents.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 92 (part) (Jan. 12, 1895, ch. 23, § 74, 28 Stat. 620; June 20, 1936, ch. 630, title VII, § 11, 49 Stat. 1552; Aug. 9, 1962, Pub. L. 87-579, § 8, 76 Stat. 355).

The first sentence of section 92, is classified to section 1119; the remainder comprises this section of the revision.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1915 of this title.

§ 1912. Regional depositories; designation; functions; disposal of publications

Not more than two depository libraries in each State and the Commonwealth of Puerto Rico may be designated as regional depositories, and shall receive from the Superintendent of Documents copies of all new and revised Government publications authorized for distribution to depository libraries. Designation of regional depository libraries may be made by a Senator or the Resident Commissioner from Puerto Rico within the areas served by them, after approval by the head of the library authority of the State or the Commonwealth of Puerto Rico, as the case may be, who shall first ascertain from the head of the library to be so designated that the library will, in addition to fulfilling the requirements for depository libraries, retain at least one copy of all Government publications either in printed or microfacsimile form (except those authorized to be discarded by the Superintendent of Documents); and within the region served will provide interlibrary loan, reference service, and assistance for depository libraries in the disposal of unwanted Government publications. The agreement to function as a regional depository library shall be transmitted to the Superintendent of Documents by the Senator or the Resident Commissioner from Puerto Rico when the designation is made.

The libraries designated as regional depositories may permit depository libraries, within the areas served by them, to dispose of Government publications which they have retained for five years after first offering them to other depository libraries within their area, then to other libraries.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1286).

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 84a (Pub. L. 87-579, § 9, Aug. 9, 1962, 76 Stat. 355).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1911 of this title.

§ 1913. Appropriations for supplying depository libraries; restriction

Appropriations available for the Office of Superintendent of Documents may not be used to supply depository libraries documents, books, or other printed matter not requested by them, and their requests shall be subject to approval by the Superintendent of Documents.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 85a (June 27, 1956, ch. 453, § 101, 70 Stat. 369).

§ 1914. Implementation of depository library program by Public Printer

The Public Printer, with the approval of the Joint Committee on Printing, as provided by section 103 of this title, may use any measures he considers necessary for the economical and practical implementation of this chapter.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1287.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 81c (Pub. L. 87-579, § 10, Aug. 9, 1962, 76 Stat. 356).

§ 1915. Highest State appellate court libraries as depository libraries

Upon the request of the highest appellate court of a State, the Public Printer is authorized to designate the library of that court as a depository library. The provisions of section 1911 of this title shall not apply to any library so designated.

(Added Pub. L. 92-368, § 1(a), Aug. 10, 1972, 86 Stat. 507.)

§ 1916. Designation of libraries of accredited law schools as depository libraries

(a) Upon the request of any accredited law school, the Public Printer shall designate the library of such law school as a depository library. The Public Printer may not make such designation unless he determines that the library involved meets the requirements of this chapter, other than those requirements of the first undesignated paragraph of section 1909 of this title which relate to the location of such library.

(b) For purposes of this section, the term "accredited law school" means any law school which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner of Education for such pur-

pose or accredited by the highest appellate court of the State in which the law school is located.

(Added Pub. L. 95-261, § 1, Apr. 17, 1978, 92 Stat. 199.)

EFFECTIVE DATE

Section 3 of Pub. L. 95-261 provided that: "The amendments made by this Act [enacting this section] shall take effect on October 1, 1978."

TRANSFER OF FUNCTIONS

The functions of the Commissioner of Education were transferred to the Secretary of Education pursuant to section 3441(a)(1) of Title 20, Education.

CHAPTER 21—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Sec.
2101. Definitions.
2102. Establishment.
2103. Officers.
2104. Administrative provisions.
2105. Personnel and services.
2106. Reports to Congress.
2107. Acceptance of records for historical preservation.
2108. Responsibility for custody, use, and withdrawal of records.
2109. Preservation, arrangement, duplication, exhibition of records.
2110. Servicing records.
2111. Material accepted for deposit.
2112. Presidential archival depository.
2113. Depository for agreements between States.
2114. Preservation of motion-picture films, still pictures, and sound recordings.
2115. Reports; correction of violations.
2116. Legal status of reproductions; official seal; fees for copies and reproductions.
2117. Limitation on liability.
2118. Records of Congress.

AMENDMENTS

1984—Pub. L. 98-497, title I, § 102(c)(1), Oct. 19, 1984, 98 Stat. 2282, amended analysis generally, substituting "National Archives and Records" in chapter heading, adding items 2102 to 2106 and redesignating former items 2103 to 2114 as 2107 to 2118, respectively.

CROSS REFERENCES

Accounting systems, forms, and procedures: authority of Comptroller General; settlement of accounts of collecting and disbursing officers with General Accounting Office, responsibility for, see section 3107 of this title.

Exemptions from provisions of this chapter, see section 474 of Title 40, Public Buildings, Property, and Works.

Federal agency management program to provide for compliance with this chapter and regulations thereunder, see section 3102 of this title.

Legal status of reproductions made under regulations to carry out this chapter, see section 2116 of this title.

Reports from Federal agencies on their activities under this chapter, authority of Administrator of General Services to obtain; correction of violations, see section 2115 of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2115, 2116, 2901, 2902, 3107 of this title.

§ 2101. Definitions

As used in this chapter—

(1) "Presidential archival depository" means an institution operated by the United States to house and preserve the papers and book of a President or former President of the United States, together with other historical materials belonging to a President or former President of the United States, or related to his papers or to the events of his official or personal life, and may include research facilities and museum facilities in accordance with this chapter;

(2) "historical materials" including books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value;

(3) "Archivist" means the Archivist of the United States appointed under section 2103 of this title; and

(4) "Administration" means the National Archives and Records Administration established under section 2102 of this title.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1287; Pub. L. 98-497, title I, § 102(b), Oct. 19, 1984, 98 Stat. 2282; Pub. L. 99-323, § 2, May 27, 1986, 100 Stat. 495.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(j) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583, and amended July 12, 1962, ch. 703, § 1(o), (p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695; July 3, 1956, ch. 513, § 4, 70 Stat. 494; June 13, 1957, Pub. L. 85-51, 71 Stat. 69; Mar. 15, 1958, Pub. L. 85-341, § 1(1), 72 Stat. 34).

AMENDMENTS

1986—Par. (1). Pub. L. 99-323 inserted ", and may include research facilities and museum facilities in accordance with this chapter" after "or personal life".

1984—Pub. L. 98-497 substituted "this chapter" for "sections 2103-2113 of this title", designated two existing paragraphs as pars. (1) and (2), respectively, and added pars. (3) and (4).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3317 of this title.

§ 2102. Establishment

There shall be an independent establishment in the executive branch of the Government to be known as the National Archives and Records Administration. The Administration shall be administered under the supervision and direction of the Archivist.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1287; Pub. L. 98-497, title I, § 101, Oct. 19, 1984, 98 Stat. 2280.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 391(a) (June 30, 1949, ch. 288, title I, § 104, 63 Stat. 381).

This section incorporates only the last sentence of paragraph (a) of former section 391. The balance of

that section will be found in sections 1506, 2301, 2501, and 2902 of the revision.

AMENDMENTS

1984—Pub. L. 98-497 substituted provisions directing that there shall be an independent establishment in the executive branch of the Government to be known as the National Archives and Records Administration and that the Administration shall be administered under the supervision and direction of the Archivist for provisions which had formerly directed only that the Administrator of General Services appoint the Archivist of the United States.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 301 of Pub. L. 98-497 provided that: "The provisions of this Act [enacting sections 2103 to 2106 of this title and provisions set out as notes under sections 101 and 2102 of this title, redesignating existing sections 2103 to 2114 as sections 2107 to 2118 of this title, amending sections 710, 711, 729, 1501 to 1503, 1506, 1714, 2101, 2102, 2107 to 2118, 2204, 2205, 2301 to 2305, 2307, 2501, 2504, 2506, 2901 to 2909, 3102 to 3106, 3302 to 3303a, 3308, 3310, 3311, 3504, and 3513 of this title and provisions set out as a note under section 2111 of this title, sections 106a, 106b, 112, 113, and 201 of Title 1, General Provisions, sections 6 and 11 to 13 of Title 3, The President, sections 141 to 145 of Title 4, Flag and Seal, Seat of Government, and the States, sections 552a and 5314 of Title 5, Government Organization and Employees, section 199a of Title 25, Indians, and repealing section 2507 of this title] (including the amendments made by this Act) shall be effective on April 1, 1985."

SAVINGS PROVISION

Section 105 of Pub. L. 98-497 provided that:

"(a) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred by this Act [Pub. L. 98-497] or the amendments made by this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

"(b)(1) The transfer of functions by this Act [Pub. L. 98-497] and by the amendments made by this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act [Apr. 1, 1985] before the General Services Administration; but such proceedings and applications, to the extent that they relate to the functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Archivist, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

"(2) The Archivist is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) from the General Services Administration to the Administration.

"(c) Except as provided in subsection (e)—

"(1) the provisions of this Act [Pub. L. 98-497] and of the amendments made by this Act shall not affect actions commenced prior to the effective date of this Act [Apr. 1, 1985], and

"(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

"(d) No action or other proceeding lawfully commenced by or against any officer of the United States acting in the official capacity of such officer shall abate by reason of any transfer of functions by this Act [Pub. L. 98-497] or by an amendment made by this Act. No cause of action by or against the General Services Administration or by or against any officer thereof in the official capacity of such officer shall abate by reason of any such transfer of functions.

"(e) If, before the date on which this Act takes effect [Apr. 1, 1985], the General Services Administration or any officer thereof in the official capacity of such officer, is a party to an action, and under this Act [Pub. L. 98-497] or the amendments made by this Act any function in connection with such action is transferred to the Archivist or any other official of the Administration, then such action shall be continued with the Archivist or other appropriate official of the Administration substituted or added as a party.

"(f) Orders and actions of the Archivist in the exercise of functions transferred by this Act [Pub. L. 98-497] or by amendments made by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the individual holding the office of Archivist of the United States on the day before the effective date of this Act [Apr. 1, 1985] or the Administrator of General Services in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act or by any amendment made by this Act shall apply to the exercise of such function by the Archivist."

TRANSFER OF FUNCTIONS, PERSONNEL, ASSETS, LIABILITIES, CONTRACTS, PROPERTY, RECORDS, AND UNEXPENDED BALANCES, ETC.

Sections 103, 104 of Pub. L. 98-497 provided that:

"SEC. 103. (a) The National Archives and Records Service of the General Services Administration is transferred to the National Archives and Records Administration.

"(b)(1) All functions which were assigned to the Administrator of General Services by section 6 of Executive Order No. 10530 of May 11, 1954 (19 Fed. Reg. 2709 [set out as a note under section 301 of Title 3, The President]; relating to documents and the Administrative Committee of the Federal Register), and by Executive Order Nunbered 11440 of December 11, 1968 (33 Fed. Reg. 18475 [set out as a note under section 2109 of this title]; relating to supplemental use of Federal exhibits and displays), shall be exercised by the Archivist of the United States.

"(2) All functions pertaining to the maintenance, operation, and protection of a Presidential archival depository which were assigned to the Administrator of General Services by the Act of September 6, 1965 (Public Law 89-169, 79 Stat. 648) [set out as a note under section 2112 of this title], relating to the Lyndon Baines Johnson Presidential Archival Depository, and by the Act of August 27, 1966 (Public Law 89-547, 80 Stat. 370) [set out as a note under section 2112 of this title] and the Act of May 26, 1977 (Public Law 95-34, 91 Stat. 174), relating to the John Fitzgerald Kennedy Library, shall be exercised by the Archivist of the United States.

"(c) In the exercise of the functions transferred by this Act [Pub. L. 98-497] and the amendments made by this Act, the Archivist shall have the same authority as had the Administrator of General Services prior to the transfer of such functions, and the actions of the Archivist shall have the same force and effect as when exercised by such Administrator.

"(d) Prior to the appointment and confirmation of an individual to serve as Archivist of the United States under section 2103 of title 44, United States Code, the

individual holding the office of Archivist of the United States on the day before the effective date of this Act [Apr. 1, 1985] may serve as Archivist under such section, and while so serving shall be compensated at the rate provided under subsection (b) of such section.

"SEC. 104. (a) Except as otherwise provided in this Act [Pub. L. 98-497], the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and agencies transferred by this Act and the amendments made by this Act, subject to section 1531 of title 31, United States Code, are transferred to the Archivist for appropriate allocation. Pursuant to the preceding sentence, there shall be transferred to the Archivist for appropriate allocation (1) for the remainder of fiscal year 1985, an amount equal to not less than $2,760,000 (adjusted to reflect actual salaries and benefits of transferred employees and other costs) from the unexpended balances of the fiscal year 1985 funds and appropriations available to the General Services Administration, and (2) 115.5 full-time equivalent employee positions, of which not less than 30 percent shall be vacant. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

"(b) The transfer pursuant to this title [title I (§§ 101-108) of Pub. L. 98-497] of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employees to be separated or reduced in grade or compensation for one year after such transfer or after the effective date of this Act [Apr. 1, 1985], whichever is later."

REFERENCES IN OTHER LAWS

Section 106 of Pub. L. 98-497 provided that: "With respect to any functions transferred by this Act [Pub. L. 98-497] or by an amendment made by this Act and exercised after the effective date of this Act [Apr. 1, 1985], reference in any other Federal law to the office of the Archivist of the United States as in existence on the date before the effective date of this Act [Apr. 1, 1985], or the National Archives and Records Service of the General Services Administration, or any office or officer thereof, shall be deemed to refer to the Archivist or the Administration."

SPENDING AUTHORITY

Section 302 of Pub. L. 98-497 provided that: "Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974 [2 U.S.C. 651]) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriations Acts."

DEFINITIONS

Section 108 of Pub. L. 98-497 provided that: "For purposes of sections 103 through 106 [set out as notes above]—

"(1) the term 'Archivist' means the Archivist of the United States appointed under section 2103 of title 44, United States Code, as added by section 102(a)(2) of this Act;

"(2) the term 'Administration' means the National Archives and Records Administration established under section 2102 of such title (as amended by section 101 of this Act); and

"(3) the term 'function' includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2101, 3102, 3317 of this title.

§ 2103. Officers

(a) The Archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate. The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist. The Archivist may be removed from office by the President. The President shall communicate the reasons for any such removal to each House of the Congress.

(b) The Archivist shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

(c) There shall be in the Administration a Deputy Archivist of the United States, who shall be appointed by and who shall serve at the pleasure of the Archivist. The Deputy Archivist shall be established as a career reserved position in the Senior Executive Service within the meaning of section 3132(a)(8) of title 5. The Deputy Archivist shall perform such functions as the Archivist shall designate. During any absence or disability of the Archivist, the Deputy Archivist shall act as Archivist. In the event of a vacancy in the office of the Archivist, the Deputy Archivist shall act as Archivist until an Archivist is appointed under subsection (a).

(Added Pub. L. 98-497, title I, § 102(a)(2), Oct. 19, 1984, 98 Stat. 2280.)

PRIOR PROVISIONS

A prior section 2103 was renumbered section 2107 of this title.

EFFECTIVE DATE

Section effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as an Effective Date of 1984 Amendment note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2101, 3102, 3317 of this title.

§ 2104. Administrative provisions

(a) The Archivist shall prescribe such regulations as the Archivist deems necessary to effectuate the functions of the Archivist, and the head of each executive agency shall cause to be issued such orders and directives as such agency head deems necessary to carry out such regulations.

(b) Except as otherwise expressly provided by law, the Archivist may delegate any of the functions of the Archivist to such officers and employees of the Administration as the Archivist may designate, and may authorize such successive redelegations of such functions as the Archivist may deem to be necessary or appropriate. A delegation of functions by the Archivist shall not relieve the Archivist of responsibility for the administration of such functions.

(c) The Archivist may organize the Administration as the Archivist finds necessary or appropriate.

(d) The Archivist is authorized to establish, maintain, alter, or discontinue such regional, local, or other field offices as the Archivist

finds necessary or appropriate to perform the functions of the Archivist or the Administration.

(e) The Archivist shall cause a seal of office to be made for the Administration of such design as the Archivist shall approve. Judicial notice shall be taken of such seal.

(f) The Archivist may establish advisory committees to provide advice with respect to any function of the Archivist or the Administration. Members of any such committee shall serve without compensation but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

(g) The Archivist shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this chapter.

(h) If authorized by the Archivist, officers and employees of the Administration having investigatory functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths.

(Added Pub. L. 98-497, title I, § 102(a)(2), Oct. 19, 1984, 98 Stat. 2281.)

PRIOR PROVISIONS

A prior section 2104 was renumbered section 2108 of this title.

EFFECTIVE DATE

Section effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as an Effective Date of 1984 Amendment note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3317 of this title.

§ 2105. Personnel and services

(a) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Administration.

(b) The Archivist is authorized to obtain the services of experts and consultants under section 3109 of title 5.

(c) Notwithstanding the provisions of section 973 of title 10 or any other provision of law, the Archivist, in carrying out the functions of the Archivist or the Administration, is authorized to utilize in the Administration the services of officials, officers, and other personnel in other Federal agencies, including personnel of the armed services, with the consent of the head of the agency concerned.

(d) Notwithstanding section 1342 of title 31, United States Code, the Archivist is authorized to accept and utilize voluntary and uncompensated services.

(Added Pub. L. 98-497, title I, § 102(a)(2), Oct. 19, 1984, 98 Stat. 2281.)

PRIOR PROVISIONS

A prior section 2105 was renumbered section 2109 of this title.

EFFECTIVE DATE

Section effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as an Effective Date of 1984 Amendment note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3316 of this title.

§ 2106. Reports to Congress

The Archivist shall submit to the Congress, in January of each year and at such other times as the Archivist finds appropriate, a report concerning the administration of functions of the Archivist, the Administration, the National Historical Publications and Records Commission, and the National Archives Trust Fund. Such report shall describe—

(1) program administration and expenditures of funds, both appropriated and nonappropriated, by the Administration, the Commission, and the Trust Fund Board;

(2) research projects and publications undertaken by Commission grantees, and by Trust Fund grantees, including detailed information concerning the receipt and use of all appropriated and nonappropriated funds;

(3) by account, the moneys, securities, and other personal property received and held by the National Archives Trust Fund Board, and of its operations, including a listing of the purposes for which funds are transferred to the National Archives and Records Administration for expenditure to other Federal agencies; and

(4) the matters specified in section 2904(c)(8) of this title.

(Added Pub. L. 98-497, title I, § 102(a)(2), Oct. 19, 1984, 98 Stat. 2282.)

PRIOR PROVISIONS

A prior section 2106 was renumbered section 2110 of this title.

EFFECTIVE DATE

Section effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as an Effective Date of 1984 Amendment note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3317 of this title.

§ 2107. Acceptance of records for historical preservation

When it appears to the Archivist to be in the public interest, he may—

(1) accept for deposit with the National Archives of the United States the records of a Federal agency, the Congress, the Architect of the Capitol, or the Supreme Court determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government;

(2) direct and effect the transfer to the National Archives of the United States of records of a Federal agency that have been in existence for more than thirty years and determined by the Archivist of the United

States to have sufficient historical or other value to warrant their continued preservation by the United States Government, unless the head of the agency which has custody of them certified in writing to the Archivist that they must be retained in his custody for use in the conduct of the regular current business of the agency;

(3) direct and effect, with the approval of the head of the originating agency, or if the existence of the agency has been terminated, then with the approval of his successor in function, if any, the transfer of records, deposited or approved for deposit with the National Archives of the United States to public or educational institutions or associations; title to the records to remain vested in the United States unless otherwise authorized by Congress; and

(4) transfer materials from private sources authorized to be received by the Archivist by section 2111 of this title.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1287, § 2103; Pub. L. 94-575, § 4(a), Oct. 21, 1976, 90 Stat. 2727; Pub. L. 95-416, § 1(a), Oct. 5, 1978, 92 Stat. 915; renumbered § 2107 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(1), Oct. 19, 1984, 98 Stat. 2280, 2285.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(a) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; and amended July 12, 1952, ch. 703, § 1(o), (p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695; July 3, 1956, ch. 513, § 4, 70 Stat. 494; June 13, 1957, Pub. L. 85-51, 71 Stat. 69).

PRIOR PROVISIONS

A prior section 2107 was renumbered section 2111 of this title.

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(1), substituted "Archivist" for "Administrator of General Services" in provisions preceding par. (1), substituted ", the Congress, the Architect of the Capitol, or the Supreme Court" for "or of the Congress" in par. (1), substituted "Archivist" for "Administrator" in par. (2), and substituted "Archivist" for "Administrator" and "section 2111" for "section 2107" in par. (4).

1978—Par. (2). Pub. L. 95-416 substituted "thirty years" for "fifty years".

1976—Par. (4). Pub. L. 94-575 substituted reference to section "2107" for "3106".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3317 of this title; title 36 section 138.

§ 2108. Responsibility for custody, use, and withdrawal of records

(a) The Archivist shall be responsible for the custody, use, and withdrawal of records transferred to him. When records, the use of which is subject to statutory limitations and restrictions, are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of records applicable to the head of the agency from which the records were transferred or to employees of that agency are applicable to the Archivist and to the employees of the National Archives and Records Administration, respectively. Except as provided in subsection (b) of this section, when the head of a Federal agency states, in writing, restrictions that appear to him to be necessary or desirable in the public interest with respect to the use or examination of records being considered for transfer from his custody to the Archivist, the Archivist shall, if he concurs,,[1] impose such restrictions on the records so transferred, and may not relax or remove such restrictions without the written concurrence of the head of the agency from which the material was transferred, or of his successor in function, if any. In the event that a Federal agency is terminated and there is no successor in function, the Archivist is authorized to relax, remove, or impose restrictions on such agency's records when he determines that such action is in the public interest. Statutory and other restrictions referred to in this subsection shall remain in force until the records have been in existence for thirty years unless the Archivist by order, having consulted with the head of the transfering Federal agency or his successor in function, determines, with respect to specific bodies of records, that for reasons consistent with standards established in relevant statutory law, such restrictions shall remain in force for a longer period. Restriction on the use or examination of records deposited with the National Archives of the United States imposed by section 3 of the National Archives Act, approved June 19, 1934, shall continue in force regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Archivist with the concurrence in writing of the head of the agency from which material was transferred or of his successor in function, if any.

(b) With regard to the census and survey records of the Bureau of the Census containing data identifying individuals enumerated in population censuses, any release pursuant to this section of such identifying information contained in such records shall be made by the Archivist pursuant to the specifications and agreements set forth in the exchange of correspondence on or about the date of October 10, 1952, between the Director of the Bureau of the Census and the Archivist of the United States, together with all amendments thereto, now or hereafter entered into between the Director of the Bureau of the Census and the Archivist of the United States. Such amendments, if any, shall be published in the Register.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1288, § 2104; Pub. L. 95-416, § 1(b), Oct. 5, 1978, 92 Stat. 915; renumbered § 2108 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(2), Oct. 19, 1984, 98 Stat. 2280, 2285.)

[1] So in original.

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(b) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

REFERENCES IN TEXT

Section 3 of the National Archives Act, approved June 19, 1934, referred to in subsec. (a), was classified to section 300c of former Title 44, Public Printing and Documents, and was repealed by act June 30, 1949, ch. 288, title VI, § 602(a)(32), renumbered and added Sept. 5, 1950, ch. 849, § 7(d), 64 Stat. 590.

PRIOR PROVISIONS

A prior section 2108 was renumbered section 2112 of this title.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-497, § 107(a)(2), substituted "the Archivist and to the employees of the National Archives and Records Administration" for "the Administrator, the Archivist of the United States, and to the employees of the General Services Administration", struck out "and in consultation with the Archivist of the United States" before "impose such restrictions" in third sentence, struck out "the Archivist and" after "having consulted with" in fifth sentence, substituted "Archivist" for "Administrator of General Services" wherever appearing, and substituted "Archivist" for "Administrator" wherever appearing.

Subsec. (b). Pub. L. 98-497, § 107(a)(2)(D), substituted "Archivist" for "Administrator of General Services".

1978—Pub. L. 95-416 designated existing provisions as subsec. (a), inserted provisions permitting the Administrator to relax, remove, or impose restrictions in the public interest of records of agencies which have been terminated and requiring the Administrator with regard to duration of restrictions to consult with the Archivist and the head of the transferring Federal agency or his successor in function, and substituted "thirty years" for "fifty years", and added subsec. (b).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3317 of this title.

§ 2109. Preservation, arrangement, duplication, exhibition of records

The Archivist shall provide for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records or other documentary material transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides to facilitate their use. He may also prepare guides and other finding aids to Federal records and, when approved by the National Historical Publications and Records Commission, publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1288, § 2105; renumbered § 2109 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(3), Oct. 19, 1984, 98 Stat. 2280, 2285.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(c) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; July 12, 1952, ch. 703, § 1(o), 66 Stat. 594).

PRIOR PROVISIONS

A prior section 2109 was renumbered section 2113 of this title.

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(3), substituted "Archivist" for "Administrator of General Services" and inserted "and Records" after "National Historical Publications".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

EX. ORD. NO. 11440. SUPPLEMENTAL USE OF EXHIBITS AND DISPLAYS CREATED IN FUTHERANCE OF AUTHORIZED PROGRAMS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Ex. Ord. No. 11440, Dec. 11, 1968, 33 F.R. 18475, as amended by Pub. L. 98-497, title I, § 103(b)(1), Oct. 19, 1984, 98 Stat. 2283, provided:

WHEREAS the executive departments and agencies of the Government, in discharging their various responsibilities, create a large volume of materials (including books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects of historical or commemorative value) which from time to time are incorporated into or reproduced for use in exhibits or other types of visual displays needed for use in carrying out their programs; and

WHEREAS under Chapter 21 of Title 44, United States Code, the Archivist of the United States is authorized to accept for deposit in the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, as well as the papers and other historical materials of any official or former official of the Government, and to make provisions for the exhibition of materials transferred to him; and.

WHEREAS many of the exhibits and displays so prepared, produced, or otherwise created by the executive departments and agencies possess historical significance which warrants their preservation and exhibition as part of the archival and cultural heritage of the United States:

NOW, THEREFORE, by virtue of the authority vested in me, as President of the United States, it is hereby ordered as follows:

SECTION 1. The heads of all executive departments and agencies are directed—

(a) when initiating plans for the preparation, production, or other creation of exhibits and displays in furtherance of their program missions, to confer with the Archivist of the United States, or his designee, for the purpose of assuring that any such exhibits or displays which the Archivist finds appropriate for supplemental exhibition as part of the archival and cultural heritage of the United States are prepared, produced, or otherwise created in a manner which assures, to the maximum possible extent, their appropriateness, after they have served their primary program purpose, for such supplemental exhibition, and

(b) to transfer to the Archivist, without reimbursement, such exhibits or displays as he determines are appropriate for such supplemental exhibition after they have served their primary program purpose, subject to such conditions requiring return to the depart-

ment or agency of all or any of the materials incorporated in the exhibits or displays as may be mutually agreeable.

SEC. 2. The Archivist of the United States is directed to—

(a) provide advice, counsel, and assistance to the heads of executive departments and agencies in the preparation, production, or other creation of exhibits and displays which he finds will have future value for exhibition as part of the archival and cultural heritage of the United States; and

(b) accept any such exhibit or display when it has served its primary program purpose and (1) arrange for its supplemental exhibition as appropriate, (2) preserve any such exhibit or display which possesses sufficient historical or other value to warrant continued preservation, or (3) dispose of any such exhibit or display when, in his judgment, the reasons for its continued preservation or exhibition cease to exist, all subject to the conditions agreed upon incident to transfer to the Archivist of the United States of the exhibit or display.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3317 of this title.

§ 2110. Servicing records

The Archivist shall provide and maintain facilities he considers necessary or desirable for servicing records in his custody that are not exempt from examination by statutory or other restrictions.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1288, § 2106; renumbered § 2110 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(4), Oct. 19, 1984, 98 Stat. 2280, 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(d) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

PRIOR PROVISIONS

A prior section 2110 was renumbered section 2114 of this title.

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(4), substituted "Archivist" for "Administrator of General Services".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3317 of this title.

§ 2111. Material accepted for deposit

When the Archivist considers it to be in the public interest he may accept for deposit—

(1) the papers and other historical materials of a President or former President of the United States, or other official or former official of the Government, and other papers relating to and contemporary with a President or former President of the United States, subject to restrictions agreeable to the Archivist as to their use; and

(2) documents, including motion-picture films, still pictures, and sound recordings, from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

This section shall not apply in the case of any Presidential records which are subject to the provisions of chapter 22 of this title.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1288, § 2107; Pub. L. 95-591, § 2(b)(2), Nov. 4, 1978, 92 Stat. 2528; renumbered § 2111 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(5), Oct. 19, 1984, 98 Stat. 2280, 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code 1964 ed., § 397(e) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; July 12, 1952, ch. 703, § 1(p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695).

PRIOR PROVISIONS

A prior section 2111 was renumbered section 2115 of this title.

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(5), substituted "Archivist" for "Administrator of General Services" in provisions preceding par. (1), and substituted "Archivist" for "Administrator" in par. (1).

1978—Pub. L. 95-591 inserted provision excluding Presidential records which are subject to provisions of chapter 22 of this title from application of this section.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-591 effective with respect to Presidential records created during a term of office of the President beginning on or after Jan. 20, 1981, see section 3 of Pub. L. 95-591, set out as an Effective Date note under section 2201 of this title.

PRESIDENTIAL RECORDINGS AND MATERIALS PRESERVATION ACT

Pub. L. 93-526, title I, §§ 101-106, Dec. 19, 1974, 88 Stat. 1695-1698, as amended by Pub. L. 98-497, title I, § 107(c), Oct. 19, 1984, 98 Stat. 2291, provided: "That this Act [enacting this note, sections 3315 to 3324 of this title, and provisions set out as a note under section 3315 of this title] may be cited as the 'Presidential Recordings and Materials Preservation Act'.

"TITLE I—PRESERVATION OF PRESIDENTIAL RECORDINGS AND MATERIALS

"DELIVERY AND RETENTION OF CERTAIN PRESIDENTIAL MATERIALS

"SEC. 101. (a) Notwithstanding any other law or any agreement or understanding made pursuant to section 2111 of title 44, United States Code any Federal employee in possession shall deliver, and the Archivist of the United States (hereinafter referred to as the 'Archivist') shall receive, obtain, or retain, complete possession and control of all original tape recordings of conversations which were recorded or caused to be recorded by any officer or employee of the Federal Government and which—

"(1) involve former President Richard M. Nixon or other individuals who, at the time of the conversation, were employed by the Federal Government;

"(2) were recorded in the White House or in the office of the President in the Executive Office Build-

ings located in Washington, District of Columbia; Camp David, Maryland; Key Biscayne, Florida; or San Clemente, California; and

"(3) were recorded during the period beginning January 20, 1969, and ending August 9, 1974.

"(b)(1) Notwithstanding any other law or any agreement or understanding made pursuant to section 2111 of title 44, United States Code, the Archivist shall receive, retain, or make reasonable efforts to obtain, complete possession and control of all papers, documents, memorandums, transcripts, and other objects and materials which constitute the Presidential historical materials of Richard M. Nixon, covering the period beginning January 20, 1969, and ending August 9, 1974.

"(2) For purposes of this subsection, the term 'historical materials' has the meaning given it by section 2101 of title 44, United States Code.

"AVAILABILITY OF CERTAIN PRESIDENTIAL MATERIALS

"SEC. 102. (a) None of the tape recordings or other materials referred to in section 101 shall be destroyed, except as hereafter may be provided by law.

"(b) Notwithstanding any other provision of this title, any other law, or any agreement or understanding made pursuant to section 2111 of title 44, United States Code, the tape recordings and other materials referred to in section 101 shall, immediately upon the date of enactment of this title, be made available, subject to any rights, defenses, or privileges which the Federal Government or any person may invoke, for use in any judicial proceeding or otherwise subject to court subpena or other legal process. Any request by the Office of Watergate Special Prosecution Force, whether by court subpena or other lawful process, for access to such recordings or materials shall at all times have priority over any other request for such recordings or materials.

"(c) Richard M. Nixon, or any person whom he may designate in writing, shall at all times have access to the tape recordings and other materials referred to in section 101 for any purpose which is consistent with the provisions of this title, subsequent and subject to the regulations which the Archivist shall issue pursuant to section 103.

"(d) Any agency or department in the executive branch of the Federal Government shall at all times have access to the tape recordings and other materials referred to in section 101 for lawful Government use, subject to the regulations which the Archivist shall issue pursuant to section 103.

"REGULATIONS TO PROTECT CERTAIN TAPE RECORDINGS AND OTHER MATERIALS

"SEC. 103. The Archivist shall issue at the earliest possible date such regulations as may be necessary to assure the protection of the tape recordings and other materials referred to in section 101 from loss or destruction, and to prevent access to such recordings and materials by unauthorized persons. Custody of such recordings and materials shall be maintained in Washington, District of Columbia, or its metropolitan area, except as may otherwise be necessary to carry out the provisions of this title.

"REGULATIONS RELATING TO PUBLIC ACCESS

"SEC. 104. (a) The Archivist shall, within ninety days after the date of enactment of this title [Dec. 19, 1974], submit to each House of the Congress a report proposing and explaining regulations that would provide public access to the tape recordings and other materials referred to in section 101. Such regulations shall take into account the following factors:

"(1) the need to provide the public with the full truth, at the earliest reasonable date, of the abuses of governmental power popularly identified under the generic term 'Watergate';

"(2) the need to make such recordings and materials available for use in judicial proceedings;

"(3) the need to prevent general access, except in accordance with appropriate procedures established for use in judicial proceedings to information relating to the Nation's security;

"(4) the need to protect every individual's right to a fair and impartial trial;

"(5) the need to protect any party's opportunity to assert any legally or constitutionally based right or privilege which would prevent or otherwise limit access to such recordings and materials;

"(6) the need to provide public access to those materials which have general historical significance, and which are not likely to be related to the need described in paragraph (1); and

"(7) the need to give to Richard M. Nixon, or his heirs, for his sole custody and use, tape recordings and other materials which are not likely to be related to the need described in paragraph (1) and are not otherwise of general historical significance.

"(b) The regulations proposed by the Archivist in the report required by subsection (a) shall not take effect until the expiration of the first period of 60 calendar days of continuous session of the Congress after the date of the submission of such regulations to each House of the Congress. For the purposes of this subsection, continuity of session is broken only by an adjournment of Congress sine die, but the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded.

"(c) The provisions of this title shall not apply, on and after the date upon which regulations proposed by the Administrator take effect under subsection (b), to any tape recordings or other materials given to Richard M. Nixon, or his heirs, pursuant to subsection (a)(7).

"(d) The provisions of this title shall not in any way affect the rights, limitations or exemptions applicable under the Freedom of Information Act, 5 U.S.C. § 552 et seq.

"JUDICIAL REVIEW

"SEC. 105. (a) The United States District Court for the District of Columbia shall have exclusive jurisdiction to hear challenges to the legal or constitutional validity of this title or of any regulation issued under the authority granted by this title, and any action or proceeding involving the question of title, ownership, custody, possession, or control of any tape recording or material referred to in section 101 or involving payment of any just compensation which may be due in connection therewith. Any such challenge shall be treated by the court as a matter requiring immediate consideration and resolution, and such challenge shall have priority on the docket of such court over other cases.

"(b) If, under the procedures established by subsection (a), a judicial decision is rendered that a particular provision of this title, or a particular regulation issued under the authority granted by this title, is unconstitutional or otherwise invalid, such decision shall not affect in any way the validity or enforcement of any other provision of this title or any regulation issued under the authority granted by this title.

"(c) If a final decision of such court holds that any provision of this title has deprived an individual of private property without just compensation, then there shall be paid out of the general fund of the Treasury of the United States such amount or amounts as may be adjudged just by that Court.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 106. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this title."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2107, 2112, 3102, 3317 of this title.

§ 2112. Presidential archival depository

(a)(1) When the Archivist considers it to be in the public interest, the Archivist may—

(A)(i) accept, for and in the name of the United States, land, a facility, and equipment offered as a gift to the United States for the purpose of creating a Presidential archival depository;

(ii) take title to the land, facility, and equipment on behalf of the United States; and

(iii) maintain, operate, and protect the land, facility, and equipment as a Presidential archival depository and as part of the national archives system;

(B)(i) make agreements, upon terms and conditions the Archivist considers proper, with a State, political subdivision, university, institution of higher learning, institute, or foundation to use as a Presidential archival depository land, a facility, and equipment of the State, subdivision, university, or other organization, to be made available by it without transfer of title to the United States; and

(ii) maintain, operate, and protect the depository as a part of the national archives system; and

(C) accept, for and in the name of the United States, gifts offered for the purpose of making any physical or material change or addition to a Presidential archival depository.

(2) The Archivist shall promulgate architectural and design standards applicable to Presidential archival depositories in order to ensure that such depositories (A) preserve Presidential records subject to chapter 22 of this title and papers and other historical materials accepted for deposit under section 2111 of this title and (B) contain adequate research facilities.

(3) Prior to accepting and taking title to any land, facility, or equipment under subparagraph (A) of paragraph (1), or prior to entering into any agreement under subparagraph (B) of such paragraph or any other agreement to accept or establish a Presidential archival depository, the Archivist shall submit a written report on the proposed Presidential archival depository to the President of the Senate and the Speaker of the House of Representatives. The report shall include—

(A) a description of the land, facility, and equipment offered as a gift or to be made available without transfer of title;

(B) a statement specifying the estimated total cost of the proposed depository and the amount of the endowment for the depository required pursuant to subsection (g) of this section;

(C) a statement of the terms of the proposed agreement, if any;

(D) a general description of the types of papers, documents, or other historical materials proposed to be deposited in the depository to be created, and of the terms of the proposed deposit;

(E) a statement of any additional improvements and equipment associated with the development and operation of the depository, an estimate of the costs of such improvements and equipment, and a statement as to the extent to which such costs will be incurred by any Federal or State government agency;

(F) an estimate of the total annual cost to the United States of maintaining, operating, and protecting the depository; and

(G) a certification that such facility and equipment (whether offered as a gift or made available without transfer of title) comply with standards promulgated by the Archivist pursuant to paragraph (2) of this subsection.

(4) Prior to accepting any gift under subparagraph (C) of paragraph (1) for the purpose of making any physical or material change or addition to a Presidential archival depository, or prior to implementing any provision of law requiring the making of such a change or addition, the Archivist shall submit a report in writing on the proposed change or addition to the President of the Senate and the Speaker of the House of Representatives. The report shall include—

(A) a description of such gift;

(B) a statement specifying the estimated total cost of the proposed physical or material change or addition and the amount of the deposit in an endowment for the depository required pursuant to subsection (g) of this section in order to meet the cost of such change or addition;

(C) a statement of the purpose of the proposed change or addition and a general description of any papers, documents, or historical materials proposed to be deposited in the depository as a result of such change or addition;

(D) a statement of any additional improvements or equipment for the depository associated with such change or addition;

(E) an estimate of the increase in the total annual cost to the United States of maintaining, operating, and protecting the depository that will result from such change or addition; and

(F) a certification that the depository, and the equipment therein will, after such change or addition, comply with the standards promulgated by the Archivist pursuant to paragraph (2) of this subsection.

(5) The Archivist may not—

(A) accept or take title to land, a facility, or equipment under subparagraph (A) of paragraph (1) for the purpose of creating a Presidential archival depository;

(B) enter into any agreement under subparagraph (B) of such paragraph or any other agreement to accept or establish a Presidential archival depository; or

(C) accept any gift under subparagraph (C) of such paragraph for the purpose of making any physical or material change to a Presidential archival depository,

until the expiration of a period of 60 days of continuous session of Congress beginning on the date on which the Archivist transmits the report required under paragraph (3) of this sub-

section with respect to such Presidential archival depository or the report required under paragraph (4) of this subsection with respect to such change or addition, as the case may be.

(b) When the Archivist considers it to be in the public interest, he may deposit in a Presidential archival depository papers, documents, or other historical materials accepted under section 2112 of this title, or Federal records appropriate for preservation.

(c) When the Archivist considers it to be in the public interest, he may exercise, with respect to papers, documents, or other historical materials deposited under this section, or otherwise, in a Presidential archival depository, all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control. The Archivist, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers, documents, or other historical materials accepted and deposited under section 2112 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Archivist may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository. Only the first two sentences of this subsection shall apply to Presidential records as defined in section 2201(2) of this title.

(d) When the Archivist considers it to be in the public interest, he may cooperate with and assist a university, institution of higher learning, institute, foundation, or other organization or qualified individual to further or to conduct study or research in historical materials deposited in a Presidential archival depository.

(e) When the Archivist considers it to be in the public interest, he may charge and collect reasonable fees for the privilege of visiting and viewing exhibit rooms or museum space in a Presidential archival depository.

(f) When the Archivist considers it to be in the public interest, he may provide reasonable office space in a Presidential archival depository for the personal use of a former President of the United States.

(g)(1) When the Archivist considers it to be in the public interest, the Archivist may solicit and accept gifts or bequests of money or other property for the purpose of maintaining, operating, protecting, or improving a Presidential archival depository. The proceeds of gifts or bequests, together with the proceeds from fees or from sales of historical materials, copies or reproductions, catalogs, or other items, having to do with a Presidential archival depository, shall be paid into an account in the National Archives Trust Fund and shall be held, administered, and expended for the benefit and in the interest of the Presidential archival depository in connection with which they were received, and for the same purposes and objects, including custodial and administrative services for which appropriations for the maintenance, operation, protection, or improvement of Presidential archival depositories might be expended.

(2) The Archivist shall provide for the establishment in such Trust Fund of separate endowments for the maintenance of the land, facility, and equipment of each Presidential archival depository, to which shall be credited any gifts or bequests received under paragraph (1) that are offered for that purpose. Income to each such endowment shall be available to cover the cost of facility operations, but shall not be available for the performance of archival functions under this title.

(3) The Archivist shall not accept or take title to any land, facility, or equipment under subparagraph (A) of subsection (a)(1), or enter into any agreement to use any land, facility, or equipment under subparagraph (B) of such subsection for the purpose of creating a Presidential archival depository, unless the Archivist determines that there is available, by gift or bequest for deposit under paragraph (2) of this subsection in an endowment with respect to such depository, an amount for the purpose of maintaining such land, facility, and equipment equal to—

(A) the product of—

(i) the total cost of acquiring or constructing such facility and of acquiring and installing such equipment, multiplied by

(ii) 20 percent; plus

(B)(i) if title to the land is to be vested in the United States, the product of—

(I) the total cost of acquiring the land upon which such facility is located, or such other measure of the value of such land as is mutually agreed upon by the Archivist and the donor, multiplied by

(II) 20 percent; or

(ii) if title to the land is not to be vested in the United States, the product of—

(I) the total cost to the donor of any improvements to the land upon which such facility is located (other than such facility and equipment), multiplied by

(II) 20 percent; plus

(C) if the Presidential archival depository will exceed 70,000 square feet in area, an amount equal to the product of—

(i) the sum of—

(I) the total cost described in clause (i) of subparagraph (A); plus

(II) the total cost described in subclause (I) or (II) of subparagraph (B)(i), as the case may be, multiplied by

(ii) the percentage obtained by dividing the number of square feet by which such depository will exceed 70,000 square feet by 70,000.

(4) If a proposed physical or material change or addition to a Presidential archival depository

would result in an increase in the costs of facility operations, the Archivist may not accept any gift under subparagraph (C) of paragraph (1) for the purpose of making such a change or addition, or may not implement any provision of law requiring the making of such a change or addition, unless the Archivist determines that there is available, by gift or bequest for deposit under paragraph (2) of this subsection in an endowment with respect to such depository, an amount for the purpose of maintaining the land, facility, and equipment of such depository equal to the difference between—

(A) the amount which, pursuant to paragraph (3) of this subsection, would have been required to have been available for deposit in such endowment with respect to such depository if such change or addition had been included in such depository on—

(i) the date on which the Archivist took title to the land, facility, and equipment for such depository under subparagraph (A) of subsection (a)(1); or

(ii) the date on which the Archivist entered into an agreement for the creation of such depository under subparagraph (B) of such paragraph,

as the case may be; minus

(B) the amount which, pursuant to paragraph (3) of this subsection, was required to be available for deposit in such endowment with respect to such depository on the date the Archivist took such title or entered into such agreement, as the case may be.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1289, § 2108; Pub. L. 94-575, § 4(a), Oct. 21, 1976, 90 Stat. 2727; Pub. L. 95-591, § 2(b)(3), Nov. 4, 1978, 92 Stat. 2528; renumbered § 2112 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(6), Oct. 19, 1984, 98 Stat. 2280, 2286; Pub. L. 99-323, § 3, May 27, 1986, 100 Stat. 495.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(f) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; and amended July 12, 1952, ch. 703, § 1(o), (p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695).

PRIOR PROVISIONS

A prior section 2112 was renumbered section 2116 of this title.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-323, § 3(a), amended subsec. (a) generally, revising and restating as pars. (1) to (5) provisions of former undesignated pars. containing similar subject matter.

Subsec. (g). Pub. L. 99-323, § 3(b), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: "When the Archivist considers it be in the public interest, he may accept gifts or bequests of money or other property for the purpose of maintaining, operating, protecting, or improving a Presidential archival depository. The proceeds of gifts or bequests, together with the proceeds from fees or from sales of historical materials, copies or reproductions, catalogs, or other items, having to do with a Presidential archival depository, shall be paid into the National Archives Trust Fund to be held, administered, and expended for the benefit and in the interest of the Presidential archival depository in connection with which they were received, including administrative and custodial expenses as the Archivist determines."

1984—Subsec. (a). Pub. L. 98-497, § 107(a)(6), substituted "Archivist" for "Administrator of General Services" and "Archivist" for "Administrator" wherever appearing.

Subsecs. (b), (c). Pub. L. 98-497, § 107(a)(6), substituted "Archivist" for "Administrator" and "section 2111" for "section 2107" wherever appearing.

Subsecs. (d) to (g). Pub. L. 98-497, § 107(a)(6), substituted "Archivist" for "Administrator" wherever appearing.

1978—Subsec. (c). Pub. L. 95-591 limited application of subsec. (c) when dealing with Presidential records.

1976—Subsecs. (b), (c). Pub. L. 94-575 substituted reference to section "2107" for "3106".

EFFECTIVE DATE OF 1986 AMENDMENT

Section 4 of Pub. L. 99-323 provided that: "Paragraphs (3) and (4) of section 2112(g) of title 44, United States Code (as added by the amendment made by section 3(b) of this Act) shall apply with respect to any Presidential archival depository created as a depository for the papers, documents, and other historical materials and Federal records pertaining to any President who takes the oath of office as President for the first time on or after January 20, 1985."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-591 effective with respect to Presidential records created during a term of office of the President beginning on or after Jan. 20, 1981, see section 3 of Pub. L. 95-591, set out as an Effective Date note under section 2201 of this title.

JOHN FITZGERALD KENNEDY LIBRARY

Pub. L. 89-547, Aug. 27, 1966, 80 Stat. 370, provided: "That the Administrator of General Services is hereby authorized to accept title to the structure or structures to be erected and equipped at Cambridge, Massachusetts, by the John Fitzgerald Kennedy Library, Incorporated, to be transferred to the United States Government, without reimbursement, for use as a Presidential archival depository to be known as the John Fitzgerald Kennedy Library, and to maintain, operate, and protect such depository as a part of the National Archives system. The Administrator may enter into such agreements with the officers of the John Fitzgerald Kennedy Library, Incorporated, as are necessary to complete the transfer of title to the United States and may do so without regard to the provision of section 507(f)(1) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. [former] 397(f)(1) [now subsec. (a) of this section], that the Administrator shall not enter into any such agreement until the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a report in writing of any such proposed Presidential archival depository is transmitted by the Administrator to the President of the Senate and the Speaker of the House of Representatives."

[For transfer of certain functions of the Administrator of General Services under Pub. L. 89-547 to the Archivist of the United States, see section 103(b)(2) of Pub. L. 98-497, set out as a Transfer of Functions note under section 2102 of this title.]

LYNDON BAINES JOHNSON PRESIDENTIAL ARCHIVAL DEPOSITORY

Pub. L. 89-169, Sept. 6, 1965, 79 Stat. 648, provided: "That the Administrator of General Services is hereby authorized to enter into an agreement upon such terms and conditions as he determines proper with the University of Texas to utilize as the Lyndon Baines

Johnson Archival Depository, land, buildings, and *equipment of such university to be made available by* it without transfer of title to the United States, and to maintain, operate and protect such depository as a part of the National Archives system. Such agreement may be entered into without regard to the provisions of section 507(f)(1) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. [former] 397(f)(1)) [now subsec. (a) of this section], that the Administrator shall not enter into any such agreement until the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a report in writing of any such proposed Presidential archival depository is transmitted by the Administrator to the President of the Senate and the Speaker of the House of Representatives."

[For transfer of certain functions of the Administrator of General Services under Pub. L. 89-169 to the Archivist of the United States, see section 103(b)(2) of Pub. L. 98-497, set out as a Transfer of Functions note under section 2102 of this title.]

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3317 of this title.

§ 2113. Depository for agreements between States

The Archivist may receive duplicate originals or authenticated copies of agreements or compacts entered into under the Constitution and laws of the United States, between States of the Union, and take necessary actions for their preservation and servicing.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1290, § 2109; renumbered § 2113 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(7), Oct. 19, 1984, 98 Stat. 2280, 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(h) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583, and amended July 12, 1952, ch. 703, § 1(o), (p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695; July 3, 1956, ch. 513, § 4, 70 Stat. 494; June 13, 1957, Pub. L. 85-51, 71 Stat. 69; Mar. 15, 1958, Pub. L. 85-341, § 1(1), 72 Stat. 34).

PRIOR PROVISIONS

A prior section 2113 was renumbered section 2117 of this title.

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(7), substituted "Archivist" for "Administrator of General Services".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2114. Preservation of motion-picture films, still pictures, and sound recordings

The Archivist may make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and provide for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing *for non-profit educational purposes*, motion-picture films, still pictures, and sound recordings in his custody.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1290, § 2110; renumbered § 2114 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(7), Oct. 19, 1984, 98 Stat. 2280, 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(i) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; and amended July 12, 1952, ch. 703, § 1(o), (p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695; July 3, 1956, ch. 513, § 4, 70 Stat. 494; June 13, 1957, Pub. L. 85-51, 71 Stat. 69; Mar. 15, 1958, Pub. L. 85-341, § 1(1), 72 Stat. 34).

PRIOR PROVISIONS

A prior section 2114 was renumbered section 2118 of this title.

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(7), substituted "Archivist" for "Administrator of General Services".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

CROSS REFERENCES

Secretary of Agriculture—
Loan, rental or sale of films, see section 2246 of Title 7, Agriculture.
Sale of photographic prints and maps, see section 2243 of Title 7.
Sale of prints and lantern slides, see section 2245 of Title 7.

Secretary of Education, establishment of loan service of captioned films and educational media for handicapped, see section 1451 et seq. of Title 20, Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2115. Reports; correction of violations

(a) In carrying out their respective duties and responsibilities under chapters 21, 25, 29, 31, and 33 of this title, the Archivist and the Administrator may each obtain reports from any Federal agency on such agency's activities under such chapters.

(b) When either the Archivist or the Administrator finds that a provision of any such chapter has been or is being violated, the Archivist or the Administrator shall (1) inform in writing the head of the agency concerned of the violation and make recommendations for its correction; and (2) unless satisfactory corrective measures are inaugurated within a reasonable time, submit a written report of the matter to the President and the Congress.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1290, § 2111; Pub. L. 94-575, § 4(b), Oct. 21, 1976, 90 Stat. 2727; renumbered § 2115 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(8), Oct. 19, 1984, 98 Stat. 2280, 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 398 (June 30, 1949, ch. 288, title V, § 508, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(8), amended section generally, inserting reference to the Archivist and striking out reference to chapter 27 of this title.

1976—Subsec. (b). Pub. L. 94-575 inserted reference to chapter 33 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2116. Legal status of reproductions; official seal; fees for copies and reproductions

(a) When records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Archivist the indefinite retention by the photographic, microphotographic, or other reproductions constitutes compliance with the statutory requirement for the indefinite retention of the original records. The reproductions, as well as reproductions made under regulations to carry out chapter 21, 29, 31, and 33 of this title, shall have the same legal status as the originals.

(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When a copy or reproduction, furnished under this section, is authenticated by the official seal and certified by the Archivist, the copy or reproduction shall be admitted in evidence equally with the original from which it was made.

(c) The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to his custody. Such fee shall be fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs, and may, in the Archivist's discretion, include increments for the estimated replacement cost of equipment. Such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. The Archivist may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1291, § 2112; Pub. L. 94-575, § 4(b), Oct. 21, 1976, 90 Stat. 2727; renumbered § 2116 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(9), title II, § 201, Oct. 19, 1984, 98 Stat. 2280, 2286, 2292.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 399 (June 30, 1949, ch. 288, title V, § 509, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-497, § 107(a)(9)(A), substituted "Archivist" for "Administrator of General Services".

Subsec. (b). Pub. L. 98-497, § 107(a)(9)(B), substituted "Archivist" for "Administrator".

Subsec. (c). Pub. L. 98-497, § 201, substituted provisions transferring functions from the Administrator of General Services to the Archivist of the United States, further substituted provisions relating to permissible fee charges for former provisions which set a fee not in excess of 10 percent above costs and expenses for making copies, inserted "unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work", and struck out provision that reimbursement may be accepted to cover the cost of furnishing copies or reproductions that could not otherwise be furnished.

1976—Subsec. (a). Pub. L. 94-575 inserted reference to chapter 33 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title; title 25 section 199a.

§ 2117. Limitation on liability

When letters and other intellectual productions (exclusive of patented material, published works under copyright protection, and unpublished works for which copyright registration has been made) come into the custody or possession of the Archivist, the United States or its agents are not liable for infringement of copyright or analogous rights arising out of use of the materials for display, inspection, research, reproduction, or other purposes.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1291, § 2113; Pub. L. 94-553, § 105(b), Oct. 19, 1976, 90 Stat. 2599; renumbered § 2117 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(7), Oct. 19, 1984, 98 Stat. 2280, 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 400 (June 30, 1949, ch. 288, title V, § 510, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(7), substituted "Archivist" for "Administrator of General Services".

1976—Pub. L. 94-553 substituted "productions (exclusive of patented material, published works under copyright protection, and unpublished works for which copyright registration has been made) come into the custody or possession of the Administrator of General Services, the United States or its agents are not liable for infringement of copyright or analogous rights" for "productions, exclusive of material copyrighted or patented, come into the custody or possession of the Administrator of General Services, the United States or its agents are not liable for infringement of literary property rights or analogous rights".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-553 effective Jan. 1, 1978, see section 102 of Pub. L. 94-553, set out as an Effective Date note preceding section 101 of Title 17, Copyrights.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2118. Records of Congress

The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, shall obtain at the close of each Congress all the noncurrent records of the Congress and of each congressional committee and transfer them to the National Archives and Records Administration for preservation, subject to the orders of the Senate or the House of Representatives, respectively.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1291, § 2114; renumbered § 2118 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(10), Oct. 19, 1984, 98 Stat. 2280, 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 402 (Aug. 2, 1946, ch. 753, title I, § 140, 60 Stat. 833).

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(10)), substituted "National Archives and Records Administration" for "General Services Administration".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

CHAPTER 22—PRESIDENTIAL RECORDS

Sec.
2201. Definitions.
2202. Ownership of Presidential records.
2203. Management and custody of Presidential records.
2204. Restrictions on access to Presidential records.
2205. Exceptions to restriction on access.[1]
2206. Regulations.
2207. Vice-Presidential records.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2107, 2112 of this title.

§ 2201. Definitions

As used in this chapter—

(1) The term "documentary material" means all books, correspondence, memorandums, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, and motion pictures, including, but not limited to, audio, audiovisual, or other electronic or mechanical recordations.

(2) The term "Presidential records" means documentary materials, or any reasonably segregable portion thereof, created or received by the President, his immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise and assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. Such term—

(A) includes any documentary materials relating to the political activities of the President or members of his staff, but only if such activities relate to or have a direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; but

(B) does not include any documentary materials that are (i) official records of an agency (as defined in section 552(e)[2] of title 5, United States Code); (ii) personal records; (iii) stocks of publications and stationery; or (iv) extra copies of documents produced only for convenience of reference, when such copies are clearly so identified.

(3) The term "personal records" means all documentary materials, or any reasonably segregable portion therof,[3] of a purely private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. Such term includes—

(A) diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal which are not prepared or utilized for, or circulated or communicated in the course of, transacting Government business;

(B) materials relating to private political associations, and having no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; and

(C) materials relating exclusively to the President's own election to the office of the Presidency; and materials directly relating to the election of a particular individual or individuals to Federal, State, or local office, which have no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President.

(4) The term "Archivist" means the Archivist of the United States.

(5) The term "former President", when used with respect to Presidential records, means the former President during whose term or terms of office such Presidential records were created.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2523.)

REFERENCES IN TEXT

Section 552(e) of title 5, referred to in par. (2)(B)(i), was redesignated section 552(f) of title 5 by section 1802(b) of Pub. L. 99-570.

EFFECTIVE DATE

Section 3 of Pub. L. 95-591 provided that: "The amendments made by this Act [enacting this chapter,

[1] So in original. Does not conform to section catchline.

[2] See References in Text note below.

[3] So in original. Probably should be "thereof,".

amending sections 2111 and 2112 of this title, and enacting provisions set out as notes under this section] shall be effective with respect to any Presidential records (as defined in section 2201(2) of title 44, as amended by section 2 of this Act) created during a term of office of the President beginning on or after January 20, 1981."

SHORT TITLE OF 1978 AMENDMENT

For short title of Pub. L. 95-591, which enacted this chapter, as the "Presidential Records Act of 1978", see section 1 of Pub. L. 95-591, set out as a note under section 101 of this title.

SEPARABILITY OF PROVISIONS

Section 4 of Pub. L. 95-591 provided that: "If any provision of this Act [enacting this chapter, amending sections 2107 and 2108 of this title and enacting provisions set out as notes under this section] is held invalid for any reason by any court, the validity and legal effect of the remaining provisions shall not be affected thereby."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2108 of this title.

§ 2202. Ownership of Presidential records

The United States shall reserve and retain complete ownership, possession, and control of Presidential records; and such records shall be administered in accordance with the provisions of this chapter.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2524.)

§ 2203. Management and custody of Presidential records

(a) Through the implementation of records management controls and other necessary actions, the President shall take all such steps as may be necessary to assure that the activities, deliberations, decisions, and policies that reflect the performance of his constitutional, statutory, or other official or ceremonial duties are adequately documented and that such records are maintained as Presidential records pursuant to the requirements of this section and other provisions of law.

(b) Documentary materials produced or received by the President, his staff, or units or individuals in the Executive Office of the President the function of which is to advise and assist the President, shall, to the extent practicable, be categorized as Presidential records or personal records upon their creation or receipt and be filed separately.

(c) During his term of office, the President may dispose of those of his Presidential records that no longer have administrative, historical, informational, or evidentiary value if—

(1) the President obtains the views, in writing, of the Archivist concerning the proposed disposal of such Presidential records; and

(2) the Archivist states that he does not intend to take any action under subsection (e) of this section.

(d) In the event the Archivist notifies the President under subsection (c) that he does intend to take action under subsection (e), the President may dispose of such Presidential records if copies of the disposal schedule are submitted to the appropriate Congressional Committees at least 60 calendar days of continuous session of Congress in advance of the proposed disposal date. For the purpose of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the days in which Congress is in continuous session.

(e) The Archivist shall request the advice of the Committee on Rules and Administration and the Committee on Governmental Affairs of the Senate and the Committee on House Administration and the Committee on Government Operations of the House of Representatives with respect to any proposed disposal of Presidential records whenever he considers that—

(1) these particular records may be of special interest to the Congress; or

(2) consultation with the Congress regarding the disposal of these particular records is in the public interest.

(f)(1) Upon the conclusion of a President's term of office, or if a President serves consecutive terms upon the conclusion of the last term, the Archivist of the United States shall assume responsibility for the custody, control, and preservation of, and access to, the Presidential records of that President. The Archivist shall have an affirmative duty to make such records available to the public as rapidly and completely as possible consistent with the provisions of this Act.

(2) The Archivist shall deposit all such Presidential records in a Presidential archival depository or another archival facility operated by the United States. The Archivist is authorized to designate, after consultation with the former President, a director at each depository or facility, who shall be responsible for the care and preservation of such records.

(3) The Archivist is authorized to dispose of such Presidential records which he has appraised and determined to have insufficient administrative, historical, informational, or evidentiary value to warrant their continued preservation. Notice of such disposal shall be published in the Federal Register at least 60 days in advance of the proposed disposal date. Publication of such notice shall constitute a final agency action for purposes of review under chapter 7 of title 5, United States Code.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2524.)

REFERENCES IN TEXT

This Act, referred to in subsec. (f)(1), means Pub. L. 95-591, Nov. 4, 1978, 92 Stat. 2523, known as the Presidential Records Act of 1978, which enacted this chapter, amended sections 2107 and 2108 of this title, and enacted provisions set out as notes under section 2201 of this title. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 101 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2204, 2206 of this title.

§ 2204. Restrictions on access to Presidential records

(a) Prior to the conclusion of his term of office or last consecutive term of office, as the case may be, the President shall specify durations, not to exceed 12 years, for which access shall be restricted with respect to information in a Presidential record, within one or more of the following categories:

(1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order;

(2) relating to appointments to Federal office;

(3) specifically exempted from disclosure by statute (other than sections 552 and 552b of title 5, United States Code), provided that such statute (A) requires that the material be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of material to be withheld;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) confidential communications requesting or submitting advice, between the President and his advisers, or between such advisers; or

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(b)(1) Any Presidential record or reasonably segregable portion thereof containing information within a category restricted by the President under subsection (a) shall be so designated by the Archivist and access thereto shall be restricted until the earlier of—

(A)(i) the date on which the former President waives the restriction on disclosure of such record, or

(ii) the expiration of the duration specified under subsection (a) for the category of information on the basis of which access to such record has been restricted; or

(B) upon a determination by the Archivist that such record or reasonably segregable portion thereof, or of any significant element or aspect of the information contained in such record or reasonably segregable portion thereof, has been placed in the public domain through publication by the former President, or his agents.

(2) Any such record which does not contain information within a category restricted by the President under subsection (a), or contains information within such a category for which the duration of restricted access has expired, shall be exempt from the provisions of subsection (c) until the earlier of—

(A) the date which is 5 years after the date on which the Archivist obtains custody of such record pursuant to section 2203(d)(1); or

(B) the date on which the Archivist completes the processing and organization of such records or integral file segment thereof.

(3) During the period of restricted access specified pursuant to subsection (b)(1), the determination whether access to a Presidential record or reasonably segregable portion thereof shall be restricted shall be made by the Archivist, in his discretion, after consultation with the former President, and, during such period, such determinations shall not be subject to judicial review, except as provided in subsection (e) of this section. The Archivist shall establish procedures whereby any person denied access to a Presidential record because such record is restricted pursuant to a determination made under this paragraph, may file an administrative appeal of such determination. Such procedures shall provide for a written determination by the Archivist or his designee, within 30 working days after receipt of such an appeal, setting forth the basis for such determination.

(c)(1) Subject to the limitations on access imposed pursuant to subsections (a) and (b), Presidential records shall be administered in accordance with section 552 of title 5, United States Code, except that paragraph (b)(5) of that section shall not be available for purposes of withholding any Presidential record, and for the purposes of such section such records shall be deemed to be records of the National Archives and Records Administration. Access to such records shall be granted on nondiscriminatory terms.

(2) Nothing in this Act shall be construed to confirm, limit, or expand any constitutionally-based privilege which may be available to an incumbent or former President.

(d) Upon the death or disability of a President or former President, any discretion or authority the President or former President may have had under this chapter shall be exercised by the Archivist unless otherwise previously provided by the President or former President in a written notice to the Archivist.

(e) The United States District Court for the District of Columbia shall have jurisdiction over any action initiated by the former President asserting that a determination made by the Archivist violates the former President's rights or privileges.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2525, and amended Pub. L. 98-497, title I, § 107(b)(7), Oct. 19, 1984, 98 Stat. 2287.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c)(2), means Pub. L. 95-591, Nov. 4, 1978, 92 Stat. 2523, known as the Presidential Records Act of 1978, which enacted this chapter, amended sections 2107 and 2108 of this title, and enacted provisions set out as notes under section 2201 of this title. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 101 of this title and Tables.

AMENDMENTS

1984—Subsec. (c)(1). Pub. L. 98-497 substituted "National Archives and Records Administration" for "National Archives and Records Service of the General Services Administration".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2205, 2206 of this title.

§ 2205. Exceptions to restricted access

Notwithstanding any restrictions on access imposed pursuant to section 2204—

(1) the Archivist and persons employed by the National Archives and Records Administration who are engaged in the performance of normal archival work shall be permitted access to Presidential records in the custody of the Archivist;

(2) subject to any rights, defenses, or privileges which the United States or any agency or person may invoke, Presidential records shall be made available—

(A) pursuant to subpena or other judicial process issued by a court of competent jurisdiction for the purposes of any civil or criminal investigation or proceeding;

(B) to an incumbent President if such records contain information that is needed for the conduct of current business of his office and that is not otherwise available; and

(C) to either House of Congress, or, to the extent of matter within its jurisdiction, to any committee or subcommittee thereof if such records contain information that is needed for the conduct of its business and that is not otherwise available; and

(3) the Presidential records of a former President shall be available to such former President or his designated representative.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2527, and amended Pub. L. 98-497, title I, § 107(b)(7), Oct. 19, 1984, 98 Stat. 2287.)

AMENDMENTS

1984—Par. (1). Pub. L. 98-497 substituted "National Archives and Records Administration" for "National Archives and Records Service of the General Services Administration".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2206 of this title.

§ 2206. Regulations

The Archivist shall promulgate in accordance with section 553 of title 5, United States Code, regulations necessary to carry out the provisions of this chapter. Such regulations shall include—

(1) provisions for advance public notice and description of any Presidential records scheduled for disposal pursuant to section 2203(f)(3);

(2) provisions for providing notice to the former President when materials to which access would otherwise be restricted pursuant to section 2204(a) are to be made available in accordance with section 2205(2);

(3) provisions for notice by the Archivist to the former President when the disclosure of particular documents may adversely affect any rights and privileges which the former President may have; and

(4) provisions for establishing procedures for consultation between the Archivist and appropriate Federal agencies regarding materials which may be subject to section 552(b)(7) of title 5, United States Code.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2527.)

§ 2207. Vice-Presidential records

Vice-Presidential records shall be subject to the provisions of this chapter in the same manner as Presidential records. The duties and responsibilities of the Vice President, with respect to Vice-Presidential records, shall be the same as the duties and responsibilities of the President under this chapter with respect to Presidential records. The authority of the Archivist with respect to Vice-Presidential records shall be the same as the authority of the Archivist under this chapter with respect to Presidential records, except that the Archivist may, when the Archivist determines that it is in the public interest, enter into an agreement for the deposit of Vice-Presidential records in a non-Federal archival depository. Nothing in this chapter shall be construed to authorize the establishment of separate archival depositories for such Vice-Presidential records.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2527.)

CHAPTER 23—NATIONAL ARCHIVES TRUST FUND BOARD

Sec.
2301. Establishment of Board; membership.
2302. Authority of the Board; seal; services; bylaws; rules; regulations; employees.
2303. Powers and obligations of Board; liability of members.[1]
2304. Compensation of members; availability of trust funds for expenses of Board.[1]
2305. Acceptance of gifts.
2306. Investment of funds.
2307. Trust fund account; disbursements; sales of publications and releases.
2308. Tax exemption for gifts.

AMENDMENTS

1984—Pub. L. 98-497, title II, § 202(c), Oct. 19, 1984, 98 Stat. 2294, amended item 2302 generally.

§ 2301. Establishment of Board; membership

The National Archives Trust Fund Board shall consist of the Archivist of the United States, as Chairman, and the Secretary of the Treasury and the Chairman of the National Endowment for the Humanities. Membership on the Board is not an office within the meaning of the statutes of the United States.

[1] Section catchline amended by Pub. L. 98-497 without corresponding amendment of analysis.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1292; Pub. L. 94-391, Aug. 19, 1976, 90 Stat. 1192; Pub. L. 95-379, Sept. 22, 1978, 92 Stat. 724; Pub. L. 98-497, title I, § 107(b)(8), Oct. 19, 1984, 98 Stat. 2287.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §§ 300bb, 391 (part) (July 9, 1941, ch. 284, § 2, 55 Stat. 581; Aug. 2, 1946, ch. 753, title I, §§ 102, 121, 60 Stat. 814, 822; June 30, 1949, ch. 288, title I, § 104, 63 Stat. 381).

This section incorporates only the last sentence of paragraph (b) of former section 391. The balance of that section will be found in sections 1506, 2102, 2501, and 2902 of the revision.

AMENDMENTS

1984—Pub. L. 98-497 struck out "The authority of the Administrator of General Services under section 754 of title 40 to regroup, transfer, and distribute functions within the General Services Administration does not extend to the Board or its functions."

1978—Pub. L. 95-379 substituted references to the Secretary of the Treasury and the Chairman of the National Endowment for the Humanities, for references to the chairman of the House Committee on Government Operations and the Senate Committee on Post Office and Civil Service.

1976—Pub. L. 94-391 substituted reference to House Committee on Government Operations for reference to House Committee on Post Office and Civil Service.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2302. Authority of the Board; seal; services; bylaws; rules; regulations; employees

In carrying out the purposes of this chapter, the Board—

(1) may adopt an official seal, which shall be judicially noticed;

(2) may utilize on a reimbursable basis the services and personnel of the National Archives and Records Administration necessary (as determined by the Archivist) to assist the Board in the administration of the trust fund, and in the preparation and publication of special works and collections of sources and preparation, duplication, editing, and release of historical photographic materials and sound recordings, and may utilize on a reimbursable basis the services and personnel of other Federal agencies for such purposes;

(3) may adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter; and

(4) may, subject to the laws and regulations governing appointments in the civil service, appoint and fix the compensation of such personnel as may be necessary to carry out its functions.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1292; Pub. L. 98-497, title II, § 202(a), Oct. 19, 1984, 98 Stat. 2293.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 300hh (July 9, 1941, ch. 284, § 8, 55 Stat. 582).

REFERENCES IN TEXT

The laws governing appointments in the civil service, referred to in par. (4), are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

AMENDMENTS

1984—Pub. L. 98-497 amended section generally. Prior to amendment, section read as follows: "In carrying out the purposes of this chapter, the Board may—

"(1) adopt an official seal, which shall be judicially noticed;

"(2) appoint, or authorize the Chairman to appoint, without regard to the civil-service laws, necessary employees, and fix their duties; and

"(3) adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2303. Powers and obligations of the Board; liability of members

Except as otherwise provided by this chapter, the Board shall have all the usual powers and obligations of a trustee with respect to property and funds administered by it, but the members of the Board are not personally liable, except for malfeasance.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1292; Pub. L. 98-497, title II, § 202(a), Oct. 19, 1984, 98 Stat. 2293.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 300ff (July 9, 1941, ch. 284, § 6, 55 Stat. 582).

AMENDMENTS

1984—Pub. L. 98-497 amended section generally, inserting "Except as otherwise provided by this chapter,".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2304. Compensation of members; availability of trust funds for expenses of the Board

Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the obligations necessarily incurred by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid by the Archivist of the United States from trust funds available to the Board for this purpose. The Board, by resolution, may authorize the transfer of funds (including the principal or interest of a gift or bequest) to the National Archives and Records Administration to be expended on an archival or records activity approved by the Board or to accomplish the purpose of a gift or bequest.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1292; Pub. L. 98-497, title II, § 202(a), Oct. 19, 1984, 98 Stat. 2293.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 300ii (July 9, 1941, ch. 284, § 9, 55 Stat. 582).

AMENDMENTS

1984—Pub. L. 98-497 amended section generally. Prior to amendment, section read as follows: "Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the expenditures necessarily made by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid out of income from trust funds available to the Board for the purpose. Unless otherwise restricted by the instrument of gift or bequest, the Board, by resolution, may authorize the Chairman to use for these purposes, or for any other purpose for which funds may be expended under this chapter, the principal of a gift or bequest accepted under this chapter."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2305. Acceptance of gifts

The Board may solicit and accept gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the national archival and records activities administered by the National Archives and Records Administration. Moneys that are for deposit into the trust fund shall be deposited within 10 working days of the receipt thereof.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1292; Pub. L. 98-497, title II, § 202(a), Oct. 19, 1984, 98 Stat. 2293.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 300cc (July 9, 1941, ch. 284, § 3, 55 Stat. 581).

AMENDMENTS

1984—Pub. L. 98-497 amended section generally. Prior to amendment, section read as follows: "The Board may accept, receive, hold, and administer gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the national archival and records activities administered by the General Services Administration as may be approved by the Board."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 2306. Investment of funds

The Secretary of the Treasury shall receipt for moneys or securities composing trust funds given or bequeathed to the Board and shall invest, reinvest, and retain the moneys or securities as the Board from time to time determines. The Board may not engage in business or exercise a voting privilege which may be incidental to securities in such trust funds, nor may the Secretary of the Treasury make investments for the account of the Board which could not lawfully be made by a trust company in the District of Columbia, unless directly authorized by the instrument of gift or bequest under which the funds to be invested are derived, and may retain investments accepted by the Board.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1292.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 300dd (July 9, 1941, ch. 284, § 4, 55 Stat. 581).

§ 2307. Trust fund account; disbursements; sales of publications and releases

The income from trust funds held by the Board and the proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement on the basis of certified vouchers of the Archivist of the United States (or his designee) for activities approved by the Board and in the interest of the national archival and records activities administered by the National Archives and Records Administration, including but not restricted to the preparation and publication of special works, and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Archivist may sell publications and releases authorized by this section and paid for out of the income derived from trust funds at a price which will cover their cost, plus 10 percent, and moneys received from these sales shall be paid into, administered, and expended as part of the National Archives Trust Fund.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1293; Pub. L. 98-497, title II, § 202(b), Oct. 19, 1984, 98 Stat. 2294.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 300ee (July 9, 1941, ch. 284, § 5, 55 Stat. 581).

AMENDMENTS

1984—Pub. L. 98-497 substituted "on the basis of certified vouchers of the Archivist of the United States (or his designee) for activities approved by the Board and in the interest of the national archival and records activities administered by the National Archives and Records Administration" for "by the Division of Disbursement, Treasury Department, on the basis of certified vouchers of the Chairman or his authorized agent, unless otherwise restricted by the instrument of gift or bequest, for and in the interest of the national archival and records activities administered by the General Services Administration" and "Archivist" for "Chairman" in second sentence.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

TRANSFER OF FUNCTIONS

The Division of Disbursement of the Treasury Department was consolidated into the Fiscal Service of the Treasury Department by section 1(a)(1) of Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5, Government Organization and Employees. See section 306 of Title 31, Money and Finance.

§ 2308. Tax exemption for gifts

Gifts and bequests received by the Board under this chapter, and the income from them are exempt from taxes.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1293.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 300gg (July 9, 1941, ch. 284, § 7, 55 Stat. 582).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 2055.

CHAPTER 25—NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Sec.
2501. Creation; composition; appointment and tenure.
2502. Vacancies.
2503. Executive director; editorial and clerical staff; reimbursement of members for transportation expenses; honorarium.
2504. Duties; authorization of grants for collection, reproduction, and publication of documentary historical source material.
2505. Special advisory committees; membership; reimbursement.
2506. Records to be kept by grantees.
[2507. Repealed.]

AMENDMENTS

1984—Pub. L. 98-497, title I, § 107(b)(12)(B), Oct. 19, 1984, 98 Stat. 2287, struck out item 2507 "Report to Congress".

1974—Pub. L. 93-536, § 1(a), Dec. 22, 1974, 88 Stat. 1734, inserted "AND RECORDS" after "PUBLICATIONS" in chapter heading.

CROSS REFERENCES

Accounting systems, forms, and procedures: authority of Comptroller General; settlement of accounts of collecting and disbursing officers with General Accounting Office, responsibility for, see section 3107 of this title.

Definitions applicable to provisions of Federal Property and Administrative Services Act of 1949, see section 472 of Title 40, Public Buildings, Property, and Works.

Definitions used in provisions respecting records management by Administrator of General Services to have same meaning when used in this chapter, see section 2901 of this title.

Exemptions from provisions of this chapter, see section 474 of Title 40, Public Buildings, Property, and Works.

Federal agency management program to provide for compliance with this chapter and regulations thereunder, see section 3102 of this title.

Reports from Federal agencies on their activities under this chapter, authority of Administrator of General Services to obtain; correction of violations, see section 2115 of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2111, 2901, 3107 of this title.

§ 2501. Creation; composition; appointment and tenure

The National Historical Publications and Records Commission shall consist of the Archivist of the United States (or an alternate designated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Senator to be appointed, for a term of four years, by the President of the Senate; one Representative to be appointed, for a term of two years, by the Speaker of the House of Representatives; one member of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed for terms of four years by the council of the Association; two members of the Organization of American Historians to be appointed for terms of four years by the Executive Board of the Organization, one of whom shall be appointed for an initial term of two years, and whose successors shall each serve four years; two members of the Society of American Archivists to be appointed, for terms of four years, by the Society of American Archivists; two members of the American Association for State and Local History to be appointed, for terms of four years, by the American Association for State and Local History; and two other members outstanding in the fields of the social or physical sciences to be appointed for terms of four years by the President of the United States.

The Commission shall meet annually and on call of the Chairman.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1293; Pub. L. 92-546, § 1(a), Oct. 25, 1972, 86 Stat. 1155; Pub. L. 93-536, § 1(b), Dec. 22, 1974, 88 Stat. 1735; Pub. L. 96-98, § 2(b), Nov. 1, 1979, 93 Stat. 731; Pub. L. 98-497, title I, § 107(b)(9), Oct. 19, 1984, 98 Stat. 2287.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §§ 391 (part), 393(a) (June 30, 1949, ch. 288, title I, § 104, 63 Stat. 381, and title V, § 503(a) as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

This section incorporates only the last sentence of paragraph (b) of former section 391. The balance of that section will be found in sections 1506, 2102, 2301, and 2902 of the revision.

AMENDMENTS

1984—Pub. L. 98-497 struck out "The authority of the Administrator of General Services under section 754 of title 40 to regroup, transfer, and distribute functions within the General Services Administration does not extend to the Commission or its functions."

1979—Pub. L. 96-98 inserted "and Records" after "Publications".

1974—Pub. L. 93-536 inserted provision relating to appointment and term of two members of Society of American Archivists, and two members of American Association for State and Local History.

1972—Pub. L. 92-546 provided for two additional members of the Organization of American Historians to be appointed for terms of four years by Executive Board of Organization, one to be appointed for a term of two years and his successors for a term of four years.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2502. Vacancies

A person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he succeeds, and his appointment shall be made in the same manner as the appointment of his predecessor.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1294.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 393(b) (June 30, 1949, ch. 288, title V, § 503(b), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2503. Executive director; editorial and clerical staff; reimbursement of members for transportation expenses; honorarium

The Commission may appoint, without reference to chapter 51 of title 5, an executive director and such editorial and clerical staff as it determines to be necessary. Members of the Commission who represent a branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and members other than those who represent a branch or agency of the Government of the United States shall receive a per diem allowance in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1294; Pub. L. 92-546, § 1(b), Oct. 25, 1972, 86 Stat. 1155; Pub. L. 96-98, § 2(a), Nov. 1, 1979, 93 Stat. 731.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 393(c) (June 30, 1949, ch. 288, title V, § 503(c), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

AMENDMENTS

1979—Pub. L. 96-98 substituted provisions relating to per diem allowance, instead of subsistence, pursuant to section 5703 of title 5, for provisions relating to receipt of a sum, not to exceed $40, instead of subsistence en route to or from or at the place of service.

1972—Pub. L. 92-546 increased daily allowance from $25 to $40.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 2(a) of Pub. L. 96-98 provided in part that the amendment of this section by Pub. L. 96-98 is effective Oct. 1, 1979.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2504. Duties; authorization of grants for collection, reproduction, and publication of documentary historical source material

(a) The Commission shall make plans, estimates, and recommendations for historical works and collections of sources, it considers appropriate for printing or otherwise recording at the public expense. It shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it considers it desirable, in editing and publishing the papers of outstanding citizens of the United States, and other documents as may be important for an understanding and appreciation of the history of the United States. The Archivist of the United States may, within the limits of available appropriated and donated funds, make allocations to Federal agencies, and grants to State and local agencies and to nonprofit organizations and institutions, for the collecting, describing, preserving and compiling, and publishing (including microfilming and other forms of reproduction) of documentary sources significant to the history of the United States. Before making allocations and grants, the Archivist should seek the advice and recommendations of the National Historical Publications and Records Commission. The Chairman of the Commission shall transmit to the President and the Congress from time to time, and at least annually, plans, estimates, and recommendations approved by the Commission.

(b) For the purposes specified in subsection (a), there is authorized to be appropriated to the National Archives and Records Administration an amount not to exceed $4,000,000 for each of the fiscal years ending on September 30, 1984, and September 30, 1985; and an amount not to exceed $5,000,000 for each of the fiscal years ending on September 30, 1986, September 30, 1987, and September 30 [1] 1988. Amounts appropriated under this subsection shall be available until expended when so provided in appropriation Acts.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1294; Pub. L. 92-546, § 1(c), Oct. 25, 1972, 86 Stat. 1155; Pub. L. 93-536, § 1(c), Dec. 22, 1974, 88 Stat. 1735; Pub. L. 96-98, § 1, Nov. 1, 1979, 93 Stat. 731; Pub. L. 98-189, Nov. 30, 1983, 97 Stat. 1323; Pub. L. 98-497, title I, § 107(b)(10), Oct. 19, 1984, 98 Stat. 2287.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 393(d) (June 30, 1949, ch. 288, title V, § 503(d), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583, and amended July 28, 1964, Pub. L. 88-383, 78 Stat. 335).

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-497, § 107(b)(10)(A)-(D), substituted "Archivist of the United States" for "Administrator of General Services" in third sentence, substituted "Archivist" for "Administrator" in fourth sentence, inserted "and Records" after "Historical Preservation" in fourth sentence, and substituted "transmit to the President

[1] So in original. Should be followed by a comma.

and the Congress" for "transmit to the Administrator" in last sentence.

Subsec. (b). Pub. L. 98-497, § 107(b)(10)(E), substituted "National Archives and Records Administration" for "General Services Administration".

1983—Subsec. (b). Pub. L. 98-189 substituted provisions authorizing appropriations for the fiscal year ending Sept. 30, 1984, and for each of the four succeeding fiscal years, for provisions authorizing appropriations for the fiscal year ending Sept. 30, 1981.

1979—Subsec. (b). Pub. L. 96-98 substituted provisions authorizing appropriations for the fiscal year ending Sept. 30, 1981, for provisions authorizing appropriations for the fiscal year ending June 30, 1975, and for each of the four succeeding fiscal years.

1974—Subsec. (b). Pub. L. 93-536 substituted "1975" for "1973", and "$4,000,000" for "$2,000,000".

1972—Pub. L. 92-546 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2506, 3102 of this title.

§ 2505. Special advisory committees; membership; reimbursement

The Commission may establish special advisory committees to consult with and make recommendations to it, from among the leading historians, political scientists, archivists, librarians, and other specialists of the Nation. Members of special advisory committees shall be reimbursed for transportation and other expenses on the same basis as members of the Commission.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1294.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 393(e) (June 30, 1949, ch. 288, title V, § 503, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583, and amended July 28, 1964, Pub. L. 88-383, 78 Stat. 335).

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2506. Records to be kept by grantees

(a) Each recipient of grant assistance under section 2504 of this title shall keep such records as the Archivist of the United States prescribes, including records which fully disclose the amount and disposition by the recipient of the proceeds of the grants, the total cost of the project or undertaking in connection with which funds are given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and any other records as will facilitate an effective audit.

(b) The Archivist and the Comptroller General of the United States or their authorized representatives shall have access for the purposes of audit and examination to books, documents, papers, and records of the recipients that are pertinent to the grants received under section 2504 of this title.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1294; Pub. L. 98-497, title I, § 107(b)(11), Oct. 19, 1984, 98 Stat. 2287.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 393(g) (June 30, 1949, ch. 288, title V, § 503, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583, and amended July 28, 1964, Pub. L. 88-383, 78 Stat. 335).

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-497 substituted "Archivist of the United States" for "Administrator of General Services".

Subsec. (b). Pub. L. 98-497 substituted "Archivist" for "Administrator".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

[§ 2507. Repealed. Pub. L. 98-497, title I, § 107(b)(12)(A), Oct. 19, 1984, 98 Stat. 2287]

Section, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1295, related to the report that the Administrator is required to make annually to Congress.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as an Effective Date of 1984 Amendment note under section 2102 of this title.

[CHAPTER 27—REPEALED]

[§ 2701. Repealed. Pub. L. 95-378, § 2(a), Sept. 22, 1978, 92 Stat. 723]

Section, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1295, established the Federal Records Council and set forth the composition, compensation, etc., of such Council.

ABOLITION OF FEDERAL RECORDS COUNCIL

Pub. L. 95-378, § 1, Sept. 22, 1978, 92 Stat. 723, provided: "That the Federal Records Council is hereby abolished."

CHAPTER 29—RECORDS MANAGEMENT BY THE ARCHIVIST OF THE UNITED STATES AND BY THE ADMINISTRATOR OF GENERAL SERVICES

Sec.
2901. Definitions.
2902. Objectives of records management.
2903. Custody and control of property.
2904. General responsibilities of Administrator.[1]

[1] Section catchline amended by Pub. L. 98-497 without corresponding amendment of chapter analysis.

2905. Establishment of standards for selective retention of records; security measures.
2906. Inspection of agency records.
2907. Records centers and centralized microfilming services.
2908. Regulations.
2909. Retention of records.
[2910. Repealed.]

AMENDMENTS

1984—Pub. L. 98-497, title I, § 107(b)(18)(A), Oct. 19, 1984, 98 Stat. 2290, inserted "THE ARCHIVIST OF THE UNITED STATES AND BY THE" in chapter heading.

1976—Pub. L. 94-575, § 2(b), Oct. 21, 1976, 90 Stat. 2726, substituted "Objectives of records management" for "Records management, surveys, and reports" in item 2902, "General responsibilities of Administrator" for "Records management by Administrator; duties generally" in item 2904, "Inspection of agency records" for "Personal inspection and survey of records" in item 2906, "Records centers and centralized microfilming services" for "Records centers for storage, process, and servicing of records" in item 2907, reenacted without change items 2901, 2903, 2905, 2908, and 2909, and struck out item 2910 "Final authority of Administrator in records practices".

CROSS REFERENCES

Accounting systems, forms, and procedures: authority of Comptroller General; settlement of accounts of collecting and disbursing officers with General Accounting Office, responsibility for, see section 3107 of this title.

Exemptions from provisions of this chapter, see section 474 of Title 40, Public Buildings, Property, and Works.

Federal agency management program to provide for compliance with this chapter and regulations thereunder, see section 3102 of this title.

General Services Administration, see section 751 et seq. of Title 40, Public Buildings, Property, and Works.

Legal status of reproductions made under regulations to carry out this chapter, see section 2116 of this title.

Reports from Federal agencies on their activities under this chapter, authority of Administrator of General Services to obtain; correction of violations, see section 2115 of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2115, 2116, 3107, 3504 of this title.

§ 2901. Definitions

As used in this chapter, and chapters 21, 25, 31, and 33 of this title—

(1) the term "records" has the meaning given it by section 3301 of this title;

(2) the term "records management" means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations;

(3) the term "records creation" means the production or reproduction of any record;

(4) the term "records maintenance and use" means any activity involving—

(A) location of records of a Federal agency;

(B) storage, retrieval, and handling of records kept at office file locations by or for a Federal agency;

(C) processing of mail by a Federal agency; or

(D) selection and utilization of equipment and supplies associated with records and copying;

(5) the term "records disposition" means any activity with respect to—

(A) disposal of temporary records no longer necessary for the conduct of business by destruction or donation;

(B) transfer of records to Federal agency storage facilities or records centers;

(C) transfer to the National Archives of the United States of records determined to have sufficient historical or other value to warrant continued preservation; or

(D) transfer of records from one Federal agency to any other Federal agency;

(6) the term "records center" means an establishment maintained and operated by the Archivist or by another Federal agency primarily for the storage, servicing, security, and processing of records which need to be preserved for varying periods of time and need not be retained in office equipment or space;

(7) the term "records management study" means an investigation and analysis of any Federal agency records, or records management practices or programs (whether manual or automated), with a view toward rendering findings and recommendations with respect thereto;

(8) the term "inspection" means reviewing any Federal agency's records or records management practices or programs with respect to effectiveness and compliance with records management laws and making necessary recommendations for correction or improvement of records management;

(9) the term "servicing" means making available for use information in records and other materials in the custody of the Archivist, or in a records center—

(A) by furnishing the records or other materials, or information from them, or copies or reproductions thereof, to any Federal agency for official use, or to the public; or

(B) by making and furnishing authenticated or unauthenticated copies or reproductions of the records or other materials;

(10) the term "unauthenticated copies" means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence;

(11) the term "National Archives of the United States" means those official records which have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government, and which have been accepted by the Archivist for deposit in his custody;

(12) the term "Archivist" means the Archivist of the United States;

(13) the term "executive agency" shall have the meaning given such term by section 3(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(a));

(14) the term "Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Supreme Court, the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol); and

(15) the term "Administrator" means the Administrator of General Services.

(Added Pub. L. 94-575, § 2(a)(1), Oct. 21, 1976, 90 Stat. 2723, and amended Pub. L. 98-497, title I, § 107(b)(13), Oct. 19, 1984, 98 Stat. 2287.)

PRIOR PROVISIONS

A prior section 2901, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1295, relating to definitions, was struck out by section 2(a)(1) of Pub. L. 94-575.

AMENDMENTS

1984—Pub. L. 98-497, § 107(b)(13)(A), struck out reference to chapter 27 in provisions preceding par. (1).

Par. (2). Pub. L. 98-497, § 107(b)(13)(B), inserted "in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations".

Pars. (6), (9), (11). Pub. L. 98-497, § 107(b)(13)(C), substituted "Archivist" for "Administrator".

Par. (12). Pub. L. 98-497, § 107(b)(13)(D), substituted "Archivist" and "Archivist of the United States" for "Administrator" and "Administrator of General Services", respectively. See par. (15) of this section.

Par. (13). Pub. L. 98-497, § 107(b)(13)(D), struck out references to "Federal agency" and to subsec. (b) of section 3 of the Federal Property and Administrative Services Act of 1949. See par. (14) of this section.

Pars. (14), (15). Pub. L. 98-497, § 107(b)(13)(D), added pars. (14) and (15).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

FEDERAL RECORDS MANAGEMENT PROVISIONS WITHOUT EFFECT ON AUTHORITIES AND RESPONSIBILITIES OF ADMINISTRATOR OF GENERAL SERVICES, JOINT COMMITTEE, OR GOVERNMENT PRINTING OFFICE

Section 5 of Pub. L. 94-575 provided that:

"(a) The provisions of this Act [see Short Title of 1976 Amendment note set out under section 101 of this title] relating to the authority of the Administrator of General Services do not limit or repeal additional authorities provided by statute or otherwise recognized by law.

"(b) The provisions of this Act do not limit or repeal the authority or responsibilities of the Joint Committee on Printing or the Government Printing Office under chapters 1 through 19 of title 44, United States Code."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1501, 3102 of this title; title 17 section 704.

§ 2902. Objectives of records management

It is the purpose of this chapter, and chapters 21, 31, and 33 of this title, to require the establishment of standards and procedures to assure efficient and effective records management. Such records management standards and procedures shall seek to implement the following goals:

(1) Accurate and complete documentation of the policies and transactions of the Federal Government.

(2) Control of the quantity and quality of records produced by the Federal Government.

(3) Establishment and maintenance of mechanisms of control with respect to records creation in order to prevent the creation of unnecessary records and with respect to the effective and economical operations of an agency.

(4) Simplification of the activities, systems, and processes of records creation and of records maintenance and use.

(5) Judicious preservation and disposal of records.

(6) Direction of continuing attention on records from their initial creation to their final disposition, with particular emphasis on the prevention of unnecessary Federal paperwork.

(7) Establishment and maintenance of such other systems or techniques as the Administrator or the Archivist considers necessary to carry out the purposes of this chapter, and chapters 21, 31, and 33 of this title.

(Added Pub. L. 94-575, § 2(a)(1), Oct. 21, 1976, 90 Stat. 2724, and amended Pub. L. 98-497, title I, § 107(b)(14), Oct. 19, 1984, 98 Stat. 2288.)

PRIOR PROVISIONS

A prior section 2902, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1296, which related to activities of the Administrator of General Services with respect to records management, surveys, and reports, was struck out by section 2(a)(1) of Pub. L. 94-575. See section 2904 of this title.

AMENDMENTS

1984—Par. (7). Pub. L. 98-497 inserted "or the Archivist" after "Administrator".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2903. Custody and control of property

The Archivist shall have immediate custody and control of the National Archives Building and its contents, and may design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1296; Pub. L. 98-497, title I, § 107(b)(15)(A), Oct. 19, 1984, 98 Stat. 2288.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 392 (June 30, 1949, ch. 288, title V, § 502, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2904. General responsibilities for records management

(a) The Archivist shall provide guidance and assistance to Federal agencies with respect to ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition.

(b) The Administrator shall provide guidance and assistance to Federal agencies to ensure economical and effective records management by such agencies.

(c) In carrying out their responsibilities under subsection (a) or (b), respectively, the Archivist and the Administrator shall each have the responsibility—

(1) to promulgate standards, procedures, and guidelines with respect to records management and the conduct of records management studies;

(2) to conduct research with respect to the improvement of records management practices and programs;

(3) to collect and disseminate information on training programs, technological developments, and other activities relating to records management;

(4) to establish such interagency committees and boards as may be necessary to provide an exchange of information among Federal agencies with respect to records management;

(5) to direct the continuing attention of Federal agencies and the Congress on the need for adequate policies governing records management;

(6) to conduct records management studies and, in his discretion, designate the heads of executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management;

(7) to conduct inspections or surveys of the records and the records management programs and practices within and between Federal agencies;

(8) to report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget in January of each year and at such other times as the Archivist or the Administrator (as the case may be) deems desirable—

(A) on the results of activities conducted pursuant to paragraphs (1) through (7) of this section,

(B) on evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (6) and (7) of this section, and

(C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations.

(d) In addition, the Administrator, in carrying out subsection (b), shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management.

(Added Pub. L. 94-575, § 2(a)(2), Oct. 21, 1976, 90 Stat. 2725, and amended Pub. L. 96-511, § 2(c)(1), Dec. 11, 1980, 94 Stat. 2825; Pub. L. 98-497, title I, § 107(b)(16), Oct. 19, 1984, 98 Stat. 2288.)

PRIOR PROVISIONS

A prior section 2904, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1296, which contained provisions similar to those comprising pars. (1) and (2) of this section, was struck out by section 2(a)(2) of Pub. L. 94-575.

Provisions similar to those comprising pars. (8) to (10) of this section were contained in prior section 2902, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1296, and were struck out by section 2(a)(1) of Pub. L. 94-575.

AMENDMENTS

1984—Pub. L. 98-497 substituted "for records management" for "of Administrator" in section catchline.

Subsec. (a). Pub. L. 98-497 designated existing first sentence as subsec. (a) and substituted "Archivist" for "Administrator" and "ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition" for "records creation, records maintenance and use, and records disposition".

Subsec. (b). Pub. L. 98-497 added subsec. (b).

Subsec. (c). Pub. L. 98-497 designated existing second sentence as subsec. (c), substituted "In carrying out the responsibilities under subsection (a) or (b), respectively" for "In providing such guidance and assistance,", and inserted reference to Archivist in text preceding par. (1).

Subsec. (c)(1). Pub. L. 98-497 redesignated par. (2) as (1). Provisions contained in former par. (1) are now contained substantially in subsec. (d).

Subsec. (c)(2). Pub. L. 98-497 redesignated par. (3) as (2). Former par. (2) redesignated (1).

Subsec. (c)(3). Pub. L. 98-497 redesignated par. (6) as (3) and inserted "to collect and", "training programs", and "other activities". Former par. (3) redesignated (2).

Subsec. (c)(4). Pub. L. 98-497 redesignated par. (5) as (4). Former par. (4), which read "serve as a clearinghouse for information with respect to records management and as a central source for reference and training materials with respect to records management", was struck out.

Subsec. (c)(5). Pub. L. 98-497 redesignated par. (7) as (5) and struck out "the burden placed on the Federal Government by unnecessary paperwork" after "Congress on", "creation" before "maintenance", and "and use, and disposition" after "maintenance". Former par. (5) redesignated (4).

Subsec. (c)(6). Pub. L. 98-497 redesignated par. (8) as (6) and struck out "with particular attention given to standards and procedures governing records creation" at end. Former par. (6) redesignated (3).

Subsec. (c)(7). Pub. L. 98-497 redesignated par. (9) as (7) and substituted "surveys of the records and the records management programs and practices within and between Federal agencies" for "records management studies which involve a review of the programs and practices of more than one Federal agency and

which examine interaction among and relationships between Federal agencies with respect to records and records management". Former par. (7) redesignated (5).

Subsec. (c)(8). Pub. L. 98-497 redesignated par. (10) as (8) and inserted "in January of each year", "the Archivist or", and substituted "(7)" for "(9)" and "(6)" and "(7)" for "(8)" and "(9)", respectively, in subpars. (A) and (B).

Subsec. (c)(9), (10). Pub. L. 98-497 redesignated pars. (9) and (10) as (7) and (8), respectively.

Subsec. (d). Pub. L. 98-497 added subsec. (d).

1980—Par. (10). Pub. L. 96-511 prescribed that the report be to appropriate oversight and appropriations committees, incorporated existing provisions in cls. (A) and (B) and added cl. (C).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-511 effective on Apr. 1, 1981, see section 5 of Pub. L. 96-511, set out as an Effective Date note under section 3501 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2106, 3102 of this title.

§ 2905. Establishment of standards for selective retention of records; security measures

(a) The Archivist shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying the standards to records in their custody. He shall notify the head of a Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency that shall come to his attention, and assist the head of the agency in initiating action through the Attorney General for the recovery of records unlawfully removed and for other redress provided by law. In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.

(b) The Archivist shall assist the Administrator for the Office of Information and Regulatory Affairs in conducting studies and developing standards relating to record retention requirements imposed on the public and on State and local governments by Federal agencies.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1296; Pub. L. 96-511, § 2(c)(2), Dec. 11, 1980, 94 Stat. 2825; Pub. L. 98-497, title I, § 107(b)(15)(B), title II, § 203(a), Oct. 19, 1984, 98 Stat. 2288, 2294.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 395(b) (June 30, 1949, ch. 288, title V, § 505(b), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-497, § 107(b)(15)(B), substituted "Archivist" for "Administrator of General Services".

Pub. L. 98-497, § 203(a), inserted "In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made."

Subsec. (b). Pub. L. 98-497, § 107(b)(15)(B), substituted "Archivist" for "Administrator of General Services".

1980—Pub. L. 96-511 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-511 effective on Apr. 1, 1981, see section 5 of Pub. L. 96-511, set out as an Effective Date note under section 3501 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2906. Inspection of agency records

(a)(1) In carrying out their respective duties and responsibilities under this chapter, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency solely for the purpose of rendering recommendations for the improvement of records management practices and programs. Officers and employees of such agencies shall cooperate fully in such inspections, subject to the provisions of paragraphs (2) and (3) of this subsection.

(2) Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected, in accordance with regulations promulgated by the Administrator and the Archivist, subject to the approval of the head of the agency concerned or of the President. The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.

(3) If the Administrator or the Archivist (or the designee of either) inspects a record, as provided in this subsection, which is contained in a system of records which is subject to section 552a of title 5, such record shall be—

(A) maintained by the Administrator, the Archivist, or such designee as a record contained in a system of records; or

(B) deemed to be a record contained in a system of records for purposes of subsections (b), (c), and (i) of section 552a of title 5.

(b) In conducting the inspection of agency records provided for in subsection (a) of this section, the Administrator and the Archivist (or the designee of either) shall, in addition to complying with the provisions of law cited in subsection (a)(3), comply with all other Federal laws and be subject to the sanctions provided therein.

(Added Pub. L. 94-575, § 2(a)(3), Oct. 21, 1976, 90 Stat. 2725, and amended Pub. L. 98-497, title I, § 107(b)(17), Oct. 19, 1984, 98 Stat. 2289.)

PRIOR PROVISIONS

A prior section 2906, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297, which contained provisions similar to those comprising subsec. (a)(1) and (2) of this section, was struck out by section 2(a)(3) of Pub. L. 94-575.

AMENDMENTS

1984—Pub. L. 98-497 inserted reference to the Archivist in four places in subsecs. (a) and (b) and, in subsec. (b)(2), inserted "The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2907. Records centers and centralized microfilming services

The Archivist may establish, maintain, and operate records centers and centralized microfilming services for Federal agencies.

(Added Pub. L. 94-575, § 2(a)(3), Oct. 21, 1976, 90 Stat. 2726, and amended Pub. L. 98-497, title I, § 107(b)(15)(A), Oct. 19, 1984, 98 Stat. 2288.)

PRIOR PROVISIONS

A prior section 2907, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297, which contained provisions similar to those comprising this section, was struck out by section 2(a)(3) of Pub. L. 94-575.

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2908. Regulations

Subject to applicable law, the Archivist shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297; Pub. L. 98-497, title I, § 107(b)(15)(B), Oct. 19, 1984, 98 Stat. 2288.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 395(e) (June 30, 1949, ch. 288, title V, § 505(e), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator of General Services".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2909. Retention of records

The Archivist may empower a Federal agency, upon the submission of evidence of need, to retain records for a longer period than that specified in disposal schedules; and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297; Pub. L. 91-287, § 4, June 23, 1970, 84 Stat. 322; Pub. L. 98-497, title I, § 107(b)(15)(B), Oct. 19, 1984, 98 Stat. 2288.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 395(f) (June 30, 1949, ch. 288, title V, § 505(f), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator of General Services".

1970—Pub. L. 91-287 struck out "approved by Congress" after "disposal schedules" in two places.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3303a of this title.

[§ 2910. Repealed. Pub. L. 94-575, § 2(a)(4), Oct. 21, 1976, 90 Stat. 2726]

Section, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297, provided for final authority of Administrator in records practices.

CHAPTER 31—RECORDS MANAGEMENT BY FEDERAL AGENCIES

Sec.
3101. Records management by agency heads; general duties.
3102. Establishment of program of management.
3103. Transfer of records to records centers.
3104. Certifications and determinations on transferred records.
3105. Safeguards.
3106. Unlawful removal, destruction of records.
3107. Authority of Comptroller General.

AMENDMENTS

1976—Pub. L. 94-575, § 3(b), Oct. 21, 1976, 90 Stat. 2727, substituted in item 3103 "Transfer of records to records centers" for "Storage, processing, and servicing of records".

CROSS REFERENCES

Definitions applicable to provisions of Federal Property and Administrative Services Act of 1949, see section 472 of Title 40, Public Buildings, Property, and Works.

Definitions used in provisions respecting records management by Archivist of the United States and by Administrator of General Services to have same meaning when used in this chapter, see section 2901 of this title.

Exemptions from provisions of this chapter, see section 474 of Title 40, Public Buildings, Property, and Works.

Federal agency management program to provide for compliance with this chapter and regulations issued thereunder, see section 3102 of this title.

Legal status of reproductions made under regulations to carry out this chapter, see section 2116 of this title.

Reports from Federal agencies on their activities under this chapter, authority of Administrator of General Services to obtain; correction of violations, see section 2115 of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2115, 2116, 2901, 2902, 3107, 3504 of this title.

§ 3101. Records management by agency heads; general duties

The head of each Federal agency shall make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 396(a) (June 30, 1949, ch. 288, title V, § 506(a), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 3102. Establishment of program of management

The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. The program, among other things, shall provide for

(1) effective controls over the creation and over the maintenance and use of records in the conduct of current business;

(2) cooperation with the Administrator of General Services and the Archivist in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and

(3) compliance with sections 2101-2117, 2501-2507, 2901-2909, and 3101-3107, of this title and the regulations issued under them.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 94-575, § 3(a)(1), (2), Oct. 21, 1976, 90 Stat. 2726; Pub. L. 98-497, title I, § 107(b)(19), Oct. 19, 1984, 98 Stat. 2290.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 396(b) (June 30, 1949, ch. 288, title V, § 506(b), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

AMENDMENTS

1984—Pars. (2), (3). Pub. L. 98-497 inserted "and the Archivist" after "Administrator of General Services" in par. (2), and substituted "sections 2101-2117" for "sections 2101-2113" and struck out "2701," before "2901" in par. (3).

1976—Pub. L. 94-575, § 3(a)(1), (2), substituted in par. (1) "the creation and over the maintenance" for "the creation, maintenance," and in par. (3) reference to sections "2901-2909" for "2901, 2903-2909" of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 3103. Transfer of records to records centers

When the head of a Federal agency determines that such action may affect substantial economies or increased operating efficiency, he shall provide for the transfer of records to a records center maintained and operated by the Archivist, or, when approved by the Archivist, to a center maintained and operated by the head of the Federal agency.

(Added Pub. L. 94-575, § 3(a)(3), Oct. 21, 1976, 90 Stat. 2726, and amended Pub. L. 98-497, title I, § 107(b)(20), Oct. 19, 1984, 98 Stat. 2290.)

PRIOR PROVISIONS

A prior section 3103, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298, which contained provisions similar to those comprising this section, was struck out by section 3(a)(3) of Pub. L. 94-575.

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator" wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title; title 5 section 552a.

§ 3104. Certifications and determinations on transferred records

An official of the Government who is authorized to certify to facts on the basis of records in his custody, may certify to facts on the basis of records that have been transferred by him or his predecessors to the Archivist, and may authorize the Archivist to certify to facts and to make administrative determinations on the basis of records transferred to the Archivist, notwithstanding any other law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 98-497, title I, § 107(b)(21), Oct. 19, 1984, 98 Stat. 2290.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 396(d) (June 30, 1949, ch. 288, title V, § 506(d), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583, and amended Feb. 5, 1964, Pub. L. 88-265, 78 Stat. 8).

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator of General Services" and "Archivist" for "Administrator" wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 3105. Safeguards

The head of each Federal agency shall establish safeguards against the removal or loss of records he determines to be necessary and required by regulations of the Archivist. Safeguards shall include making it known to officials and employees of the agency—

(1) that records in the custody of the agency are not to be alienated or destroyed except in accordance with sections 3301-3314 of this title, and

(2) the penalties provided by law for the unlawful removal or destruction of records.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 98-497, title I, § 107(b)(22), Oct. 19, 1984, 98 Stat. 2290.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 396(e) (June 30, 1949, ch. 288, title V, § 506(e), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

REFERENCES IN TEXT

Sections 3304 to 3307, included within the reference to sections 3301-3314 of this title in par. (1), were repealed by Pub. L. 91-287, § 2(c), June 23, 1970, 84 Stat. 321.

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator of General Services".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 3106. Unlawful removal, destruction of records

The head of each Federal agency shall notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Archivist shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from another Federal agency whose records have been transferred to his legal custody. In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 98-497, title I, § 107(b)(21), title II, § 203(b), Oct. 19, 1984, 98 Stat. 2290, 2294.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 396(f) (June 30, 1949, ch. 288, title V, § 506(f), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat 583).

AMENDMENTS

1984—Pub. L. 98-497, § 107(b)(21), substituted "Archivist" for "Administrator of General Services" and "Archivist" for "Administrator".

Pub. L. 98-497, § 203(b), inserted "In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 3107. Authority of Comptroller General

Chapters 21, 25, 27,[1] 29, and 31 of this title do not limit the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessen the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 94-575, § 3(a)(4), Oct. 21, 1976, 90 Stat. 2726.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 396(g) (June 30, 1949, ch. 288, title V, § 506(g), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

REFERENCES IN TEXT

Chapter 27 of this title, referred to in text, was repealed by Pub. L. 95-378, § 2(a), Sept. 22, 1978, 92 Stat. 723.

AMENDMENTS

1976—Pub. L. 94-575 substituted "Chapters 21, 25, 27, 29, and 31 of this title" for "Sections 2101-2113, 2501-2507, 2701, 2901, 2904-2910, and 3101-3107, of this title".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

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[1] See References in Text note below.

CHAPTER 33—DISPOSAL OF RECORDS

Sec.
3301. Definition of records.
3302. Regulations covering lists of records for disposal, procedure for disposal, and standards for reproduction.
3303. Lists and schedules of records to be submitted to Archivist by head of each Government agency.[1]
3303a. Examination by Archivist of lists and schedules of records lacking preservation value; disposal of records.
[3304 to 3307. Repealed.]
3308. Disposal of similar records where prior disposal was authorized.
3309. Preservation of claims of Government until settled in General Accounting Office; disposal authorized upon written approval of Comptroller General.
3310. Disposal of records constituting menace to health, life, or property.
3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist.
3312. Photographs or microphotographs of records considered as originals; certified reproductions admissible in evidence.
3313. Moneys from sale of records payable into the Treasury.
3314. Procedures for disposal of records exclusive.
3315. Definitions.
3316. Establishment of Commission.
3317. Duties of Commission.
3318. Membership.
3319. Director and staff; experts and consultants.
3320. Powers of Commission.
3321. Support services.
3322. Report.
3323. Termination.
3324. Authorization of appropriations.

AMENDMENTS

1984—Pub. L. 98-497, title I, § 107(b)(25)(D), Oct. 19, 1984, 98 Stat. 2290, substituted "Archivist" for "Administrator of General Services" in items 3303, 3303a, and 3311.

1976—Pub. L. 94-575, § 4(c)(1), Oct. 21, 1976, 90 Stat. 2727, struck out "; approval by President" after "standards for reproduction" in item 3302.

1974—Pub. L. 93-526, title II, § 203, Dec. 19, 1974, 88 Stat. 1702, added items 3315 to 3324.

1970—Pub. L. 91-287, § 3, June 23, 1970, 84 Stat. 322, inserted item 3303a and struck out items 3304 "Lists and schedules of records lacking preservation value; submission to Congress by Administrator of General Services", 3305 "Examination of lists and schedules by joint congressional committee and report to Congress", 3306 "Disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee", and 3307 "Disposal of records upon failure of joint congressional committee to act".

CROSS REFERENCES

Reports from Federal agencies on their activities under this chapter, authority of Administrator of General Services to obtain; correction of violations, see section 2115 of this title.

Safeguards against removal or loss of records, prohibition against alienation or destruction except in accordance with this chapter, see section 3105 of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1503, 2115, 2116, 2901, 2902, 3504 of this title; title 5 section 552b.

[1] Does not conform to section catchline.

§ 3301. Definition of records

As used in this chapter, "records" includes all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1299; Pub. L. 94-575, § 4(c)(2), Oct. 21, 1976, 90 Stat. 2727.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 366 (July 7, 1943, ch. 192, § 1, 57 Stat. 380).

AMENDMENTS

1976—Pub. L. 94-575 expanded "records" to include "machine readable materials".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2901, 3105 of this title; title 10 section 7545.

§ 3302. Regulations covering lists of records for disposal, procedure for disposal, and standards for reproduction

The Archivist shall promulgate regulations, not inconsistent with this chapter, establishing—

(1) procedures for the compiling and submitting to him of lists and schedules of records proposed for disposal,

(2) procedures for the disposal of records authorized for disposal, and

(3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1299; Pub. L. 94-575, § 4(c)(1), Oct. 21, 1976, 90 Stat. 2727; Pub. L. 98-497, title I, § 107(b)(23), Oct. 19, 1984, 98 Stat. 2290.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 367 (July 7, 1943, ch. 192, § 2, 57 Stat. 381; June 30, 1949, ch. 288, title I, § 104, 63 Stat. 381).

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator of General Services".

1976—Pub. L. 94-575 struck out "; approval by President" after "standards for reproduction" in section catchline.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3105, 3303, 3303a, 3308, 3312 of this title.

§ 3303. Lists and schedules of records to be submitted to the Archivist by head of each Government agency

The head of each agency of the United States Government shall submit to the Archivist, under regulations promulgated as provided by section 3302 of this title—

(1) lists of any records in the custody of the agency that have been photographed or microphotographed under the regulations and that, as a consequence, do not appear to have sufficient value to warrant their further preservation by the Government;

(2) lists of other records in the custody of the agency not needed by it in the transaction of its current business and that do not appear to have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government; and

(3) schedules proposing the disposal after the lapse of specified periods of time of records of a specified form or character that either have accumulated in the custody of the agency or may accumulate after the submission of the schedules and apparently will not after the lapse of the period specified have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1299; Pub. L. 98-497, title I, § 107(b)(23), (25)(A), Oct. 19, 1984, 98 Stat. 2290.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 368 (July 7, 1943, ch. 192, § 3, 57 Stat. 381; June 30, 1949, ch. 288, title I, § 104(a), 63 Stat. 381).

AMENDMENTS

1984—Pub. L. 98-497 substituted "the Archivist" for "Administrator of General Services" in section catchline, and "Archivist" for "Administrator of General Services" in text.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3105, 3303a of this title.

§ 3303a. Examination by Archivist of lists and schedules of records lacking preservation value; disposal of records

(a) The Archivist shall examine the lists and schedules submitted to him under section 3303 of this title. If the Archivist determines that any of the records listed in a list or schedule submitted to him do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, he may, after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon—

(1) notify the agency to that effect; and

(2) empower the agency to dispose of those records in accordance with regulations promulgated under section 3302 of this title.

(b) Authorizations granted under lists and schedules submitted to the Archivist under section 3303 of this title, and schedules promulgated by the Archivist under subsection (d) of this section, shall be mandatory, subject to section 2909 of this title. As between an authorization granted under lists and schedules submitted to the Archivist under section 3303 of this title and an authorization contained in a schedule promulgated under subsection (d) of this section, application of the authorization providing for the shorter retention period shall be required, subject to section 2909 of this title.

(c) The Archivist may request advice and counsel from the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives with respect to the disposal of any particular records under this chapter whenever he considers that—

(1) those particular records may be of special interest to the Congress; or

(2) consultation with the Congress regarding the disposal of those particular records is in the public interest.

However, this subsection does not require the Archivist to request such advice and counsel as a regular procedure in the general disposal of records under this chapter.

(d) The Archivist shall promulgate schedules authorizing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government. A Federal agency may request changes in such schedules for its records pursuant to section 2909 of this title.

(e) The Archivist may approve and effect the disposal of records that are in his legal custody, provided that records that had been in the custody of another existing agency may not be disposed of without the written consent of the head of the agency.

(f) The Archivist shall make an annual report to the Congress concerning the disposal of records under this chapter, including general descriptions of the types of records disposed of and such other information as he considers appropriate to keep the Congress fully informed regarding the disposal of records under this chapter.

(Added Pub. L. 91-287, § 1, June 23, 1970, 84 Stat. 320, and amended Pub. L. 95-440, § 1, Oct. 10, 1978, 92 Stat. 1063; Pub. L. 98-497, title I,

§ 107(b)(24), (25)(B), title II, § 204, Oct. 19, 1984, 98 Stat. 2290, 2294.)

AMENDMENTS

1984—Pub. L. 98-497, § 107(b)(25)(B), substituted "Archivist" for "Administrator of General Services" in section catchline.

Subsec. (a). Pub. L. 98-497, § 107(b)(24), substituted "Archivist" for "Administrator of General Services" and "Archivist" for "Administrator".

Pub. L. 98-497, § 204, inserted ", after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon" after "may" in second sentence.

Subsecs. (b) to (f). Pub. L. 98-497, § 107(b)(24)(B), substituted "Archivist" for "Administrator" wherever appearing.

1978—Subsec. (b). Pub. L. 95-440, § 1(a), made schedules promulgated by Administrator under subsec. (d) of this section mandatory; inserted provision for application of authorization providing for shorter retention period as between an authorization granted under lists and schedules submitted under section 3303 of this title and an authorization in a schedule promulgated under subsec. (d) of this section; and struck out provision making permissive authorizations granted under subsec. (d) schedules.

Subsec. (d). Pub. L. 95-440, § 1(b), (c), substituted "shall" for "may" in first sentence and authorized Federal agencies to request changes in disposal schedules for its records pursuant to section 2909 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3105 of this title.

[§§ 3304 to 3307. Repealed. Pub. L. 91-287, § 2(c), June 23, 1970, 84 Stat. 321]

Section 3304, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1300, related to submission of lists and schedules of records lacking preservation value by the Administrator of General Services to Congress. See section 3303a of this title.

Section 3305, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1300, related to examination of lists and schedules by joint congressional committees and report to Congress. See section 3303a of this title.

Section 3306, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1300, related to disposal of records by head of Government agency upon notification by Administrator of action by joint congressional committee. See section 3303a of this title.

Section 3307, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1301, related to disposal of records upon failure of joint congressional committees to act. See section 3303a of this title.

§ 3308. Disposal of similar records where prior disposal was authorized

When it appears to the Archivist that an agency has in its custody, or is accumulating, records of the same form or character as those of the same agency previously authorized to be disposed of, he may empower the head of the agency to dispose of the records, after they have been in existence a specified period of time, in accordance with regulations promulgated under section 3302 of this title and without listing or scheduling them.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1301; Pub. L. 91-287, § 2(a), June 23, 1970, 84 Stat. 321; Pub. L. 98-497, title I, § 107(b)(23), Oct. 19, 1984, 98 Stat. 2290.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 373 (July 7, 1943, ch. 192, § 8, 57 Stat. 382; June 30, 1949, ch. 288, Title I, § 104(a), 63 Stat. 381).

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator of General Services".

1970—Pub. L. 91-287 struck out "by Congress" after "authorized".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3105 of this title.

§ 3309. Preservation of claims of Government until settled in General Accounting Office; disposal authorized upon written approval of Comptroller General

Records pertaining to claims and demands by or against the Government of the United States or to accounts in which the Government of the United States is concerned, either as debtor or creditor, may not be disposed of by the head of an agency under authorization granted under this chapter, until the claims, demands, and accounts have been settled and adjusted in the General Accounting Office, except upon the written approval of the Comptroller General of the United States.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1301; Pub. L. 91-287, § 2(b), June 23, 1970, 84 Stat. 321.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 374 (July 7, 1943, ch. 192, § 9, 57 Stat. 382).

AMENDMENTS

1970—Pub. L. 91-287 substituted "under this chapter" for "under sections 3306-3308 of this title".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3105 of this title.

§ 3310. Disposal of records constituting menace to health, life, or property

When the Archivist and the head of the agency that has custody of them jointly determine that records in the custody of an agency of the United States Government are a continuing menace to human health or life or to property, the Archivist shall eliminate the menace immediately by any method he considers necessary. When records in the custody of the Archivist are disposed of under this section, the Archivist shall report their disposal to the agency from which they were transferred.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1301; Pub. L. 98-497, title I, § 107(b)(24), Oct. 19, 1984, 98 Stat. 2290.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 375 (July 7, 1943, ch. 192, § 10, 57 Stat. 382; June 30, 1949, ch. 288, title I, § 104(a), 63 Stat. 381).

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator of General Services" and "Archivist" for "Administrator" wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3105 of this title.

§ 3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist

During a state of war between the United States and another nation, or when hostile action by a foreign power appears imminent, the head of an agency of the United States Government may authorize the destruction of records in his legal custody situated in a military or naval establishment, ship, or other depository outside the territorial limits of continental United States—

(1) the retention of which would be prejudicial to the interests of the United States or

(2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient administrative, legal, research, or other value to warrant their continued preservation.

Within six months after their disposal, the official who directed the disposal shall submit a written report to the Archivist in which he shall describe the character of the records and state when and where he disposed of them.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1301; Pub. L. 98-497, title I, § 107(b)(23), (25)(C), Oct. 19, 1984, 98 Stat. 2290.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 376 (July 7, 1943, ch. 192, § 11, 57 Stat. 382; June 30, 1949, ch. 288, title I, § 104(a), 63 Stat. 381).

AMENDMENTS

1984—Pub. L. 98-497 substituted "Archivist" for "Administrator of General Services" in section catchline and text.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3105 of this title.

§ 3312. Photographs or microphotographs of records considered as originals; certified reproductions admissible in evidence

Photographs or microphotographs of records made in compliance with regulations under section 3302 of this title shall have the same effect as the originals and shall be treated as originals for the purpose of their admissibility in evidence. Certified or authenticated reproductions of the photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 378 (July 7, 1943, ch. 192, § 13, 57 Stat. 382).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3105 of this title.

§ 3313. Moneys from sale of records payable into the Treasury

Moneys derived by agencies of the Government from the sale of records disposed of under this chapter shall be paid into the Treasury of the United States unless otherwise required by law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 379 (July 7, 1943, ch. 192, § 14, 57 Stat. 383).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3105 of this title.

§ 3314. Procedures for disposal of records exclusive

The procedures prescribed by this chapter are exclusive, and records of the United States Government may not be alienated or destroyed except under this chapter.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 380 (July 7, 1943, ch. 192, § 15, 57 Stat. 383).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3105 of this title.

§ 3315. Definitions

For purposes of this section and section 3316 through section 3324 of this title—

(1) the term "Federal official" means any individual holding the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, or any officer of the executive, judicial, or legislative branch of the Federal Government;

(2) the term "Commission" means the National Study Commission on Records and Documents of Federal Officials; and

(3) the term "records and documents" shall include handwritten and typewritten documents, motion pictures, television tapes and recordings, magnetic tapes, automated data processing documentation in various forms,

and other records that reveal the history of the Nation.

(Added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1698.)

TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3317, 3319, 3320, 3324 of this title.

§ 3316. Establishment of Commission

There is established a commission to be known as the National Study Commission on Records and Documents of Federal Officials.

(Added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1699.)

TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320, 3324 of this title.

§ 3317. Duties of Commission

It shall be the duty of the Commission to study problems and questions with respect to the control, disposition, and preservation of records and documents produced by or on behalf of Federal officials, with a view toward the development of appropriate legislative recommendations and other recommendations regarding appropriate rules and procedures with respect to such control, disposition, and preservation. Such study shall include consideration of—

(1) whether the historical practice regarding the records and documents produced by or on behalf of Presidents of the United States should be rejected or accepted and whether such practice should be made applicable with respect to all Federal officials;

(2) the relationship of the findings of the Commission to the provisions of chapter 19 of this title, section 2101 through section 2108 [1] of this title, and other Federal laws relating to the control, disposition, and preservation of records and documents of Federal officials;

(3) whether the findings of the Commission should affect the control, disposition, and preservation of records and documents of agencies within the Executive Office of the President created for short-term purposes by the President;

(4) the recordkeeping procedures of the White House Office, with a view toward establishing means to determine which records and documents are produced by or on behalf of the President;

(5) the nature of rules and procedures which should apply to the control, disposition, and preservation of records and documents produced by Presidential task forces, commissions, and boards;

(6) criteria which may be used generally in determining the scope of materials which should be considered to be the records and documents of Members of the Congress;

(7) the privacy interests of individuals whose communications with Federal officials, and with task forces, commissions, and boards, are a part of the records and documents produced by such officials, task forces, commissions, and boards; and

(8) any other problems, questions, or issues which the Commission considers relevant to carrying out its duties under section 3315 through section 3324 of this title.

(Added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1699.)

REFERENCES IN TEXT

Sections 2103 through 2108 of this title, referred to in par. (2), were renumbered as sections 2107 through 2112 of this title by Pub. L. 98-497, title I, § 102(a)(1), Oct. 19, 1984, 98 Stat. 2280.

TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3319, 3320, 3324 of this title.

§ 3318. Membership

(a)(1) The Commission shall be composed of seventeen members as follows:

(A) one Member of the House of Representatives appointed by the Speaker of the House upon recommendation made by the majority leader of the House;

(B) one Member of the House of Representatives appointed by the Speaker of the House upon recommendation made by the minority leader of the House;

(C) one Member of the Senate appointed by the President pro tempore of the Senate upon recommendation made by the majority leader of the Senate;

(D) one Member of the Senate appointed by the President pro tempore of the Senate upon recommendation made by the minority leader of the Senate;

(E) one member of the Federal judiciary appointed by the Chief Justice of the United States;

(F) one person employed by the Executive Office of the President or the White House Office, appointed by the President;

(G) three appointed by the President, by and with the advice and consent of the Senate, from persons who are not officers or employees of any government and who are specially qualified to serve on the Commission by virtue of their education, training, or experience;

(H) one representative of the Department of State, appointed by the Secretary of State;

[1] See References in Text note below.

(I) one representative of the Department of Defense, appointed by the Secretary of Defense;

(J) one representative of the Department of Justice, appointed by the Attorney General;

(K) the Administrator of General Services (or his delegate);

(L) the Librarian of Congress;

(M) one member of the American Historical Association, appointed by the counsel of such Association;

(N) one member of the Society of American Archivists, appointed by such Society; and

(O) one member of the Organization of American Historians, appointed by such Organization.

(2) No more than two members appointed under paragraph (1)(G) may be of the same political party.

(b) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) If any member of the Commission who was appointed to the Commission as a Member of the Congress leave such office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he may continue as a member of the Commission for no longer than the sixty-day period beginning on the date he leaves such office or becomes such an officer or employee, as the case may be.

(d) Members shall be appointed for the life of the Commission.

(e)(1) Members of the Commission shall serve without pay.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses in the same manner as persons employed intermittently in the service of the Federal Government are allowed expenses under section 5703 of title 5, United States Code, except that per diem in lieu of subsistence shall be paid only to those members of the Commission who are not full-time officers or employees of the United States or Members of the Congress.

(f) The Chairman of the Commission shall be designated by the President from among members appointed under subsection (a)(1)(G).

(g) The Commission shall meet at the call of the Chairman or a majority of its members.

(Added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1699, and amended Pub. L. 94-261, § 1(a), Apr. 11, 1976, 90 Stat. 326.)

AMENDMENTS

1976—Subsec. (a)(1)(E). Pub. L. 94-261, § 1(a)(1), substituted "one member of the Federal judiciary appointed by the Chief Justice of the United States;" for "one Justice of the Supreme Court, appointed by the Chief Justice of the United States;".

Subsec. (e)(2). Pub. L. 94-261, § 1(a)(2), substituted "section 5703 of title 5, United States Code" for "section 5703(b) of title 5, United States Code".

TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320, 3324 of this title.

§ 3319. Director and staff; experts and consultants

(a) The Commission shall appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (5 U.S.C. 5316).

(b) The Commission may appoint and fix the pay of such additional personnel as it deems necessary.

(c)(1) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-15 of the General Schedule (5 U.S.C. 5332).

(2) In procuring services under this subsection, the Commission shall seek to obtain the advice and assistance of constitutional scholars and members of the historical, archival, and journalistic professions.

(d) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under sections 3315 through 3324 of this title.

(Added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701.)

TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3320, 3324 of this title.

§ 3320. Powers of Commission

(a) The Commission may, for the purpose of carrying out its duties under sections 3315 through 3324 of this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem desirable.

(b) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out its duties under section 3315 through section 3324 of this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(Added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701.)

TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3324 of this title.

§ 3321. Support services

(a) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services and assistance as the Commission may request.

(b) The Archivist of the United States shall provide to the Commission on a reimbursable basis such technical and expert advice, consultation, and support assistance as the Commission may request.

(Added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701.)

TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320, 3324 of this title.

§ 3322. Report

The Commission shall transmit to the President and to each House of the Congress a report not later than March 31, 1977. Such report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation, administrative actions, and other actions, as it deems appropriate.

(Added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701, and amended Pub. L. 94-261, § 1(b), Apr. 11, 1976, 90 Stat. 326.)

AMENDMENTS

1976—Pub. L. 94-261 substituted "March 31, 1977" for "March 31, 1976".

TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320, 3323, 3324 of this title.

§ 3323. Termination

The Commission shall cease to exist sixty days after transmitting its report under section 3322 of this title.

(Added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320, 3324 of this title.

§ 3324. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out section 3315 through section 3324 of this title.

(Added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320 of this title.

CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

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AMENDMENTS

1980—Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2812, substituted in chapter heading "INFORMATION POLICY" for "REPORTING SERVICES", and revised analysis generally.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 16 sections 1379, 1855; title 20 section 1221-3; title 29 sections 1535, 1751, 1752; title 31 section 3811; title 42 section 6924.

§ 3501. Purpose

The purpose of this chapter is—

(1) to minimize the Federal paperwork burden for individuals, small businesses, State and local governments, and other persons;

(2) to minimize the cost to the Federal Government of collecting, maintaining, using, and disseminating information;

(3) to maximize the usefulness of information collected, maintained, and disseminated by the Federal Government;

(4) to coordinate, integrate and, to the extent practicable and appropriate, make uniform Federal information policies and practices;

(5) to ensure that automatic data processing, telecommunications, and other information technologies are acquired and used by the Federal Government in a manner which improves service delivery and program management, increases productivity, improves the quality of decisionmaking, reduces waste and fraud, and wherever practicable and appropriate, reduces the information processing burden for the Federal Government and for

persons who provide information to and for the Federal Government; and

(6) to ensure that the collection, maintenance, use and dissemination of information by the Federal Government is consistent with applicable laws relating to confidentiality, including section 552a of title 5, United States Code, known as the Privacy Act.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2812, and Pub. L. 99-500, § 101(m) [title VIII, § 811], Oct. 18, 1986, 100 Stat. 1783-308, 1783-335, and Pub. L. 99-591, § 101(m) [title VIII, § 811], Oct. 30, 1986, 100 Stat. 3341-308, 3341-335.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3501, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302, which related to information for Federal agencies, was omitted in the general revision of this chapter by section 2(a) of Pub. L. 96-511.

AMENDMENTS

1986—Par. (3). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 811(a)], amended par. (3) generally, substituting "collected, maintained, and disseminated" for "collected".

Par. (5). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 811(b)], amended par. (5) generally, substituting ", telecommunications, and other information" for "and telecommunications", inserting "improves the quality of decisionmaking,", and substituting "and for the Federal Government" for "the Federal Government".

EFFECTIVE DATE

Section 5 of Pub. L. 96-511 provided: "This Act [enacting this chapter, amending sections 2904 and 2905 of this title, section 5315 of Title 5, Government Organization and Employees, section 1221-3 of Title 20, Education, section 1211 of Title 30, Mineral Lands and Mining, and section 292h of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 101 and 3503 of this title] shall take effect on April 1, 1981."

FEDERAL REGULATION REQUIREMENTS

For provisions relating to requirements for the promulgation of new regulations, review of existing regulations, etc., see Ex. Ord. No. 12291, Feb. 17, 1981, 46 F.R. 13193, set out as a note under section 601 of Title 5, Government Organization and Employees.

COMMISSION ON FEDERAL PAPERWORK

Pub. L. 93-556, §§ 1-9, Dec. 27, 1974, 88 Stat. 1789-1792, established a Commission on Federal Paperwork to reexamine Federal policies and procedures having an impact on the paperwork burden in order to ascertain necessary and desirable changes in information policies and practices. The Commission terminated in January 1978 after having submitted its final report.

§ 3502. Definitions

As used in this chapter—

(1) the term "agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include the General Accounting Office, Federal Election Commission, the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions, or Government-owned contractor-operated facilities including laboratories engaged in national defense research and production activities;

(2) the terms "automatic data processing," "automatic data processing equipment," and "telecommunications" do not include any data processing or telecommunications system or equipment, the function, operation or use of which—

(A) involves intelligence activities;

(B) involves cryptologic activities related to national security;

(C) involves the direct command and control of military forces;

(D) involves equipment which is an integral part of a weapon or weapons system; or

(E) is critical to the direct fulfillment of military or intelligence missions, provided that this exclusion shall not include automatic data processing or telecommunications equipment used for routine administrative and business applications such as payroll, finance, logistics, and personnel management;

(3) the term "burden" means the time, effort, or financial resources expended by persons to provide information to a Federal agency;

(4) the term "collection of information" means the obtaining or soliciting of facts or opinions by an agency through the use of written report forms, application forms, schedules, questionnaires, reporting or recordkeeping requirements, or other similar methods calling for either—

(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

(B) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes;

(5) the term "data element" means a distinct piece of information such as a name, term, number, abbreviation, or symbol;

(6) the term "data element dictionary" means a system containing standard and uniform definitions and cross references for commonly used data elements;

(7) the term "data profile" means a synopsis of the questions contained in an information collection request and the official name of the request, the location of information obtained or to be obtained through the request, a description of any compilations, analyses, or reports derived or to be derived from such information, any record retention requirements associated with the request, the agency responsible for the request, the statute authorizing the request, and any other information necessary to identify, obtain, or use the data contained in such information;

(8) the term "Director" means the Director of the Office of Management and Budget;

(9) the term "directory of information resources" means a catalog of information collection requests, containing a data profile for each request;

(10) the term "independent regulatory agency" means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Home Loan Bank Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

(11) the term "information collection request" means a written report form, application form, schedule, questionnaire, reporting or recordkeeping requirement, collection of information requirement, or other similar method calling for the collection of information;

(12) the term "information referral service" means the function that assists officials and persons in obtaining access to the Federal Information Locator System;

(13) the term "information resources management" means the planning, budgeting, organizing, directing, training, promoting, controlling, and management activities associated with the burden, collection, creation, use, and dissemination of information by agencies, and includes the management of information and related resources such as automatic data processing equipment (as such term is defined in section 111(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a));

(14) the term "information systems" means management information systems;

(15) the term "person" means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

(16) the term "practical utility" means the ability of an agency to use information it collects, particularly the capability to process such information in a timely and useful fashion; and

(17) the term "recordkeeping requirement" means requirement imposed by an agency on persons to maintain specified records.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2813, and amended Pub. L. 98-443, § 9(h), Oct. 4, 1984, 98 Stat. 1708; Pub. L. 99-500, § 101(m) [title VIII, § 812], Oct. 18, 1986, 100 Stat. 1783-308, 1783-335, and Pub. L. 99-591, § 101(m) [title VIII, § 812], Oct. 30, 1986, 100 Stat. 3341-308, 3341-335.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3502, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302; Pub. L. 93-153, title IV, § 409(a), Nov. 16, 1973, 87 Stat. 593, which defined the terms "Federal agency", "person", and "information", was omitted in the general revision of this chapter by section 2(a) of Pub. L. 96-511.

AMENDMENTS

1986—Par. (11). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 812(1)], inserted "collection of information requirement," after "requirement,".

Par. (13). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 812(2), (3)], added par. (13) and redesignated former par. (13) as (14).

Pars. (14) to (17). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 812(2)], redesignated pars. (13) to (16) as (14) to (17), respectively.

1984—Par. (10). Pub. L. 98-443 struck out "the Civil Aeronautics Board," after "the Federal Reserve System,".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 section 1221-3; title 31 sections 1344, 3811.

§ 3503. Office of Information and Regulatory Affairs

(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information policy and shall report directly to the Director.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2814, and amended Pub. L. 99-500, § 101(m) [title VIII, § 813(a)], Oct. 18, 1986, 100 Stat. 1783-308, 1783-336, and Pub. L. 99-591, § 101(m) [title VIII, § 813(a)], Oct. 30, 1986, 100 Stat. 3341-308, 3341-336.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3503, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1303, which prescribed the duties of the Director of the Bureau of the Budget, was omitted in the gen-

eral revision of this chapter by section 2(a) of Pub. L. 96-511. See section 3504 of this title.

AMENDMENTS

1986—Subsec. (b). Pub. L. 99-500 and Pub. L. 99-591 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "There shall be at the head of the Office an Administrator who shall be appointed by, and who shall report directly to, the Director. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information policy."

EFFECTIVE DATE OF 1986 AMENDMENT

Section 101(m) [title VIII, § 813(b)] of Pub. L. 99-500 and Pub. L. 99-591 provided that: "The amendment made by this section [amending this section], insofar as it relates to appointment of the Administrator of the Office of Information and Regulatory Affairs, shall take effect on the earlier of—

"(1) January 20, 1989; or

"(2) the date on which a vacancy in that Office first occurs after the date of enactment of this Act [Oct. 18, 1986]."

Amendment by Pub. L. 99-500 and Pub. L. 99-591, except as otherwise provided in section 101(m) [title VIII, § 813(b)] of Pub. L. 99-500 and Pub. L. 99-591, effective Oct. 18, 1986, see section 101(m) [title VIII, § 833] of Pub. L. 99-500 and Pub. L. 99-591, set out as a note under section 757 of Title 40, Public Buildings, Property, and Works.

DELEGATION OF OTHER FUNCTIONS TO ADMINISTRATOR

Section 3 of Pub. L. 96-511, as amended Pub. L. 97-258, § 5(b), Sept. 13, 1982, 96 Stat. 1083; Pub. L. 99-500, § 101(m) [title VIII, § 821(b)(3)], Oct. 18, 1986, 100 Stat. 1783-308, 1783-342, and Pub. L. 99-591, § 101(m) [title VIII, § 821(b)(3)], Oct. 30, 1986, 100 Stat. 3341-308, 3341-342, provided:

"[(a) Repealed]

"(b) The Director of the Office of Management and Budget shall delegate to the Administrator for the Office of Information and Regulatory Affairs all functions, authority, and responsibility of the Director under section 552a of title 5, United States Code, under Executive Order 12046 [Ex. Ord. No. 12046, Mar. 27, 1978, 43 F.R. 14193, set out as a note under section 305 of Title 47, Telegraphs, Telephones, and Radiotelegraphs] and Reorganization Plan No. 1 for telecommunications [probably means Reorg. Plan No. 1 of 1970, 35 F.R. 6421, 84 Stat. 2083, set out in the Appendix to Title 5, Government Organization and Employees], and under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) [40 U.S.C. 757, 759]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 503.

§ 3504. Authority and functions of Director

(a) The Director shall develop and implement Federal information policies, principles, standards, and guidelines and shall provide direction and oversee the review and approval of information collection requests, the reduction of the paperwork burden, Federal statistical activities, records management activities, privacy and security of records, agency sharing and dissemination of information, and acquisition and use of automatic data processing, telecommunications, and other information technology for managing information resources. The authority of the Director under this section shall be exercised consistent with applicable law.

(b) The general information policy functions of the Director shall include—

(1) developing and implementing uniform and consistent information resources management policies and overseeing the development of information management principles, standards, and guidelines and promoting their use;

(2) initiating and reviewing proposals for changes in legislation, regulations, and agency procedures to improve information practices, and informing the President and the Congress on the progress made therein;

(3) coordinating, through the review of budget proposals and as otherwise provided in this section, agency information practices;

(4) promoting, through the use of the Federal Information Locator System, the review of budget proposals and other methods, greater sharing of information by agencies;

(5) evaluating agency information management practices to determine their adequacy and efficiency, and to determine compliance of such practices with the policies, principles, standards, and guidelines promulgated by the Director; and

(6) overseeing planning for, and conduct of research with respect to, Federal collection, processing, storage, transmission, and use of information.

(c) The information collection request clearance and other paperwork control functions of the Director shall include—

(1) reviewing and approving information collection requests proposed by agencies;

(2) determining whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility for the agency;

(3) ensuring that all information collection requests—

(A) are inventoried, display a control number and, when appropriate, an expiration date;

(B) indicate the request is in accordance with the clearance requirements of section 3507; and

(C) contain a statement to inform the person receiving the request why the information is being collected, how it is to be used, and whether responses to the request are voluntary, required to obtain a benefit, or mandatory;

(4) designating as appropriate, in accordance with section 3509, a collection agency to obtain information for two or more agencies;

(5) setting goals for reduction of the burdens of Federal information collection requests;

(6) overseeing action on the recommendations of the Commission on Federal Paperwork; and

(7) designing and operating, in accordance with section 3511, the Federal Information Locator System.

(d) The statistical policy and coordination functions of the Director shall include—

(1) developing and periodically reviewing and, as necessary, revising long-range plans

for the improved coordination and performance of the statistical activities and programs of the Federal Government;

(2) reviewing budget proposals of agencies to assure that the proposals are consistent with such long-range plans;

(3) coordinating, through the review of budget proposals and as otherwise provided in this chapter, the functions of the Federal Government with respect to gathering, interpreting, and disseminating statistics and statistical information;

(4) developing and implementing Government-wide policies, principles, standards, and guidelines concerning statistical collection procedures and methods, statistical data classification, statistical information presentation and dissemination, and such statistical data sources as may be required for the administration of Federal programs;

(5) evaluating statistical program performance and agency compliance with Government-wide policies, principles, standards, and guidelines;

(6) integrating the functions described in paragraphs (1) through (5) of this subsection with the other information resources management functions specified in this chapter; and

(7) appointing a chief statistician who is a trained and experienced professional statistician to carry out the functions described in paragraphs (1) through (6) of this subsection.

(e) The records management functions of the Director shall include—

(1) providing advice and assistance to the Archivist of the United States and the Administrator of General Services in order to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information policies, principles, standards, and guidelines established under this chapter;

(2) reviewing compliance by agencies with the requirements of chapters 29, 31, and 33 of this title and with regulations promulgated by the Archivist of the United States and the Administrator of General Services thereunder; and

(3) coordinating records management policies and programs with related information programs such as information collection, statistics, automatic data processing and telecommunications, and similar activities.

(f) The privacy functions of the Director shall include—

(1) developing and implementing policies, principles, standards, and guidelines on information disclosure and confidentiality, and on safeguarding the security of information collected or maintained by or on behalf of agencies;

(2) providing agencies with advice and guidance about information security, restriction, exchange, and disclosure; and

(3) monitoring compliance with section 552a of title 5, United States Code, and related information management laws.

(g) The Federal automatic data processing (including telecommunications) functions of the Director shall include—

(1) developing and implementing policies, principles, standards, and guidelines for automatic data processing (including telecommunications) functions and activities of the Federal Government, and overseeing the establishment of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949;

(2) monitoring the effectiveness of, and compliance with, directives issued pursuant to sections 110 and 111 of such Act of 1949 and reviewing proposed determinations under section 111(e) of such Act;

(3) providing advice and guidance on the acquisition and use of automatic data processing (including telecommunications) equipment, and coordinating, through the review of budget proposals and other methods, agency proposals for acquisition and use of such equipment;

(4) promoting the use of automatic data processing (including telecommunications) equipment by the Federal Government to improve the effectiveness of the use and dissemination of data in the operation of Federal programs; and

(5) initiating and reviewing proposals for changes in legislation, regulations, and agency procedures to improve automatic data processing (including telecommunications) practices, and informing the President and the Congress of the progress made therein.

(h)(1) As soon as practicable, but no later than publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information requirement and upon request, information necessary to make the determination required pursuant to this section.

(2) Within sixty days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information requirement contained in the proposed rule.

(3) When a final rule is published in the Federal Register, the agency shall explain how any collection of information requirement contained in the final rule responds to the comments, if any, filed by the Director or the public, or explain why it rejected those comments.

(4) The Director has no authority to disapprove any collection of information requirement specifically contained in an agency rule, if he has received notice and failed to comment on the rule within sixty days of the notice of proposed rulemaking.

(5) Nothing in this section prevents the Director, in his discretion—

(A) from disapproving any information collection request which was not specifically required by an agency rule;

(B) from disapproving any collection of information requirement contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection; or [1]

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[1] So in original. The word "or" probably should not appear.

(C) from disapproving any collection of information requirement contained in a final agency rule, if the Director finds within sixty days of the publication of the final rule that the agency's response to his comments filed pursuant to paragraph (2) of this subsection was unreasonable.[2]

(D) from disapproving any collection of information requirement where the Director determines that the agency has substantially modified in the final rule the collection of information requirement contained in the proposed rule where the agency has not given the Director the information required in paragraph (1), with respect to the modified collection of information requirement, at least sixty days before the issuance of the final rule.

(6) The Director shall make publicly available any decision to disapprove a collection of information requirement contained in an agency rule, together with the reasons for such decision.

(7) The authority of the Director under this subsection is subject to the provisions of section 3507(c).

(8) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

(9) There shall be no judicial review of any kind of the Director's decision to approve or not to act upon a collection of information requirement contained in an agency rule.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2815, and amended Pub. L. 98-497, title I, § 107(b)(26), Oct. 19, 1984, 98 Stat. 2291; Pub. L. 99-500, § 101(m) [title VIII, §§ 814, 821(b)(2)], Oct. 18, 1986, 100 Stat. 1783-308, 1783-336, 1783-342, and Pub. L. 99-591, § 101(m) [title VIII, §§ 814, 821(b)(2)], Oct. 30, 1986, 100 Stat. 3341-308, 3341-336, 3341-342.)

REFERENCES IN TEXT

Section 111 of the Federal Property and Administrative Services Act of 1949, referred to in subsec. (g)(1) and (2), is classified to section 759 of Title 40, Public Buildings, Property, and Works.

Section 110 of the Federal Property and Administrative Services Act of 1949, referred to in subsec. (g)(2), is classified to section 757 of Title 40.

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3504, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1303, which provided for designation of a central collection agency, was omitted in the general revision of this chapter by section 2(a) of Pub. L. 96-511. See section 3509 of this title.

Provisions similar to those comprising this section were contained in former section 3503 prior to the general revision of this chapter by section 2(a) of Pub. L. 96-511.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 814(a)], amended subsec. (a) generally, substituting "and security of records, agency sharing and dissemination of information, and acquisition and use of automatic data processing, telecommunications, and other information technology for managing information resources. The authority of the Director" for "of records, interagency sharing of information, and acquisition and use of automatic data processing telecommunications, and other technology for managing information resources. The authority".

Subsec. (d). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 814(b)], amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "The statistical policy and coordination functions of the Director shall include—

"(1) developing long range plans for the improved performance of Federal statistical activities and programs;

"(2) coordinating, through the review of budget proposals and as otherwise provided in this section, the functions of the Federal Government with respect to gathering, interpreting, and disseminating statistics and statistical information;

"(3) developing and implementing Government-wide policies, principles, standards, and guidelines concerning statistical collection procedures and methods, statistical data classifications, and statistical information presentation and dissemination; and

"(4) evaluating statistical program performance and agency compliance with Government-wide policies, principles, standards, and guidelines."

Subsec. (g). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 821(b)(2)], substituted "section 111(d)" for "section 111(f)" in par. (1) and "section 111(e)" for "section 111(g)" in par. (2).

Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 814(c)], substituted "(including telecommunications)" for "and telecommunications" in introductory provisions and in pars. (1), (3), (4), and (5).

1984—Subsec. (e)(1), (2). Pub. L. 98-497 inserted "the Archivist of the United States and" before "the Administrator of General Services" wherever appearing.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 101(m) [title VIII, § 814] of Pub. L. 99-500 and Pub. L. 99-591 effective Oct. 18, 1986, and amendment by section 101(m) [title VIII, § 821(b)(2)] of Pub. L. 99-500 and Pub. L. 99-591 effective Jan. 1, 1987, see section 101(m) [title VIII, § 833] of Pub. L. 99-500 and Pub. L. 99-591, set out as a note under section 757 of Title 40, Public Buildings, Property, and Works.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3507, 3514 of this title.

§ 3505. Assignment of tasks and deadlines

In carrying out the functions under this chapter, the Director shall—

(1) upon enactment of this Act—

(A) set a goal to reduce the then existing burden of Federal collections of information by 15 per centum by October 1, 1982; and

(B) for the year following, set a goal to reduce the burden which existed upon enactment by an additional 10 per centum;

(2) within one year after the effective date of this Act—

(A) establish standards and requirements for agency audits of all major information

[2] So in original. The period probably should be "; or".

systems and assign responsibility for conducting Government-wide or multiagency audits, except the Director shall not assign such responsibility for the audit of major information systems used for the conduct of criminal investigations or intelligence activities as defined in section 4-206 of Executive Order 12036, issued January 24, 1978, or successor orders, or for cryptologic activities that are communications security activities;

(B) establish the Federal Information Locator System;

(C) identify areas of duplication in information collection requests and develop a schedule and methods for eliminating duplication;

(D) develop a proposal to augment the Federal Information Locator System to include data profiles of major information holdings of agencies (used in the conduct of their operations) which are not otherwise required by this chapter to be included in the System; and

(E) identify initiatives which may achieve a 10 per centum reduction in the burden of Federal collections of information associated with the administration of Federal grant programs;

(3) within two years after the effective date of this Act—

(A) establish a schedule and a management control system to ensure that practices and programs of information handling disciplines, including records management, are appropriately integrated with the information policies mandated by this chapter;

(B) identify initiatives to improve productivity in Federal operations using information processing technology;

(C) develop a program to (i) enforce Federal information processing standards, particularly software language standards, at all Federal installations; and (ii) revitalize the standards development program established pursuant to section 759(f)(2) of title 40, United States Code, separating it from peripheral technical assistance functions and directing it to the most productive areas;

(D) complete action on recommendations of the Commission on Federal Paperwork by implementing, implementing with modification or rejecting such recommendations including, where necessary, development of legislation to implement such recommendations;

(E) develop and annually revise, in consultation with the Administrator of General Services, a 5-year plan for meeting the automatic data processing equipment (including telecommunications) and other information technology needs of the Federal Government in accordance with the requirements of sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757, 759) and the purposes of this chapter; and

(F) submit to the President and the Congress legislative proposals to remove inconsistencies in laws and practices involving privacy, confidentiality, and disclosure of information;

(4) upon the enactment of the Paperwork Reduction Reauthorization Act of 1986—

(A) set a goal to reduce, by September 30, 1987, the burden of Federal collections of information existing on September 30, 1986, by at least 5 percent; and

(B) for the fiscal year beginning on October 1, 1987, and each of the next two fiscal years, set a goal to reduce the burden of Federal collections of information existing at the end of the immediately preceding fiscal year by at least 5 percent;

(5) maintain a comprehensive set of information resources management policies; and

(6) within one year after the date of enactment of the Paperwork Reduction Reauthorization Act of 1986—

(A) issue, in consultation with the Administrator of General Services, principles, standards, and guidelines to implement the policies described in paragraph (5);

(B) report to the Congress on the feasibility and means of enhancing public access, including access by electronic media, to information relating to information collection requests required by this chapter to be made available to the public; and

(C) identify further initiatives to reduce the burden of Federal collections of information associated with the administration of Federal grant programs.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2818, and amended Pub. L. 99-500, § 101(m) [title VIII, § 815], Oct. 18, 1986, 100 Stat. 1783-308, 1783-337, and Pub. L. 99-591, § 101(m) [title VIII, § 815], Oct. 30, 1986, 100 Stat. 3341-308, 3341-337.)

REFERENCES IN TEXT

Upon enactment of this Act and upon enactment, referred to in par. (1) and (1)(B), means the date of enactment of Pub. L. 96-511, which was approved Dec. 11, 1980.

The effective date of this Act, referred to in pars. (2) and (3), is Apr. 1, 1981. See section 5 of Pub. L. 96-511, set out as an Effective Date note under section 3501 of this title.

Ex. Ord. No. 12036, Jan. 24, 1978, 43 F.R. 3674, referred to in par. (2)(A), was revoked by Ex. Ord. No. 12333, Dec. 4, 1981, 46 F.R. 59941, set out under section 401 of Title 50, War and National Defense. "Intelligence activities" is defined in section 3.4(e) of Ex. Ord. No. 12333.

Enactment of the Paperwork Reduction Reauthorization Act of 1986 and the date of enactment of the Paperwork Reduction Reauthorization Act of 1986, referred to in pars. (4) and (6), mean the date of enactment of section 101(m) [title VIII] of Pub. L. 99-500 and Pub. L. 99-591, which was approved Oct. 18, 1986.

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3505, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1303, which prohibited independent collection by an agency, was omitted in the general revision of this chapter by section 2(a) of Pub. L. 96-511. See section 3509 of this title.

AMENDMENTS

1986—Par. (2)(E). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 815(1)], substituted "programs;" for "programs; and".

Par. (3)(E). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 815(2)], amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: "develop, in consultation with the Administrator of General Services, a five-year plan for meeting the automatic data processing and telecommunications needs of the Federal Government in accordance with the requirements of section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) and the purposes of this chapter; and".

Pars. (4) to (6). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 815(3), (4)], added pars. (4) to (6).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3514 of this title.

§ 3506. Federal agency responsibilities

(a) Each agency shall be responsible for carrying out its information management activities in an efficient, effective, and economical manner, and for complying with the information policies, principles, standards, and guidelines prescribed by the Director.

(b) The head of each agency shall designate, within three months after the effective date of this Act, a senior official or, in the case of military departments, and the Office of the Secretary of Defense, officials who report directly to such agency head to carry out the responsibilities of the agency under this chapter. If more than one official is appointed for the military departments the respective duties of the officials shall be clearly delineated.

(c) Each agency shall—

(1) systematically inventory its major information systems and periodically review its information resources management activities;

(2) ensure its information systems do not overlap each other or duplicate the systems of other agencies;

(3) develop procedures for assessing the paperwork and reporting burden of proposed legislation affecting such agency;

(4) assign to the official designated under subsection (b) the responsibility for the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

(5) ensure that information collection requests required by law or to obtain a benefit, and submitted to nine or fewer persons, contain a statement to inform the person receiving the request that the request is not subject to the requirements of section 3507 of this chapter; and [3]

(6) implement applicable Government-wide and agency information policies, principles, standards, and guidelines with respect to information collection, paperwork reduction, statistical activities, records management activities, privacy and security of records, sharing and dissemination of information, acquisition and use of information technology, and other information resource management functions;

(7) periodically evaluate and, as needed, improve, the accuracy, completeness, and reliability of data and records contained within Federal information systems; and

(8) develop and annually revise a 5-year plan, in accordance with appropriate guidance provided by the Director, for meeting the agency's information technology needs.

(d) The head of each agency shall establish such procedures as necessary to ensure the compliance of the agency with the requirements of the Federal Information Locator System, including necessary screening and compliance activities.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2819, and amended Pub. L. 99-500, § 101(m) [title VIII, § 816], Oct. 18, 1986, 100 Stat. 1783-308, 1783-338, and Pub. L. 99-591, § 101(m) [title VIII, § 816], Oct. 30, 1986, 100 Stat. 3341-308, 3341-338.)

REFERENCES IN TEXT

The effective date of this Act, referred to in subsec. (b), is Apr. 1, 1981. See section 5 of Pub. L. 96-511, set out as an Effective Date note under section 3501 of this title.

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3506, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1303, which provided for determination of necessity for information and hearing thereon, was omitted in the general revision of this chapter by section 2(a) of Pub. L. 96-511. See section 3508 of this title.

AMENDMENTS

1986—Subsec. (c)(1). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 816(1)], added par. (1) and struck out former par. (1) which read as follows: "systematically inventory its major information systems and periodically review its information management activities, including planning, budgeting, organizing, directing, training, promoting, controlling, and other managerial activities involving the collection, use, and dissemination of information;".

Subsec. (c)(6) to (8). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 816(2) to (4)], added pars. (6) to (8).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3507, 3513 of this title; title 40 section 759.

§ 3507. Public information collection activities—submission to Director; approval and delegation

(a) An agency shall not conduct or sponsor the collection of information unless, in advance of the adoption or revision of the request for collection of such information—

[3] So in original. The word "and" probably should not appear.

(1) the agency has taken actions, including consultation with the Director, to—

(A) eliminate, through the use of the Federal Information Locator System and other means, information collections which seek to obtain information available from another source within the Federal Government;

(B) reduce to the extent practicable and appropriate the burden on persons who will provide information to the agency; and

(C) formulate plans for tabulating the information in a manner which will enhance its usefulness to other agencies and to the public;

(2) the agency (A) has submitted to the Director the proposed information collection request, copies of pertinent regulations and other related materials as the Director may specify, and an explanation of actions taken to carry out paragraph (1) of this subsection, and (B) has prepared a notice to be published in the Federal Register stating that the agency has made such submission and setting forth a title for the information collection request, a brief description of the need for the information and its proposed use, a description of the likely respondents and proposed frequency of response to the information collection request, and an estimate of the burden that will result from the information collection request; and

(3) the Director has approved the proposed information collection request, or the period for review of information collection requests by the Director provided under subsection (b) has elapsed.

(b) The Director shall, within sixty days of receipt of a proposed information collection request, notify the agency involved of the decision to approve or disapprove the request and shall make such decisions, including an explanation thereof, publicly available. If the Director determines that a request submitted for review cannot be reviewed within sixty days, the Director may, after notice to the agency involved, extend the review period for an additional thirty days. If the Director does not notify the agency of an extension, denial, or approval within sixty days (or, if the Director has extended the review period for an additional thirty days and does not notify the agency of a denial or approval within the time of the extension), a control number shall be assigned without further delay, the approval may be inferred, and the agency may collect the information for not more than one year.

(c) Any disapproval by the Director, in whole or in part, of a proposed information collection request of an independent regulatory agency, or an exercise of authority under section 3504(h) or 3509 concerning such an agency, may be voided, if the agency by a majority vote of its members overrides the Director's disapproval or exercise of authority. The agency shall certify each override to the Director, shall explain the reasons for exercising the override authority. Where the override concerns an information collection request, the Director shall without further delay assign a control number to such request, and such override shall be valid for a period of three years.

(d) The Director may not approve an information collection request for a period in excess of three years.

(e) If the Director finds that a senior official of an agency designated pursuant to section 3506(b) is sufficiently independent of program responsibility to evaluate fairly whether proposed information collection requests should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed requests in specific program areas, for specific purposes, or for all agency purposes. A delegation by the Director under this section shall not preclude the Director from reviewing individual information collection requests if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

(f) An agency shall not engage in a collection of information without obtaining from the Director a control number to be displayed upon the information collection request.

(g) If an agency head determines a collection of information (1) is needed prior to the expiration of the sixty-day period for the review of information collection requests established pursuant to subsection (b), (2) is essential to the mission of the agency, and (3) the agency cannot reasonably comply with the provisions of this chapter within such sixty-day period because (A) public harm will result if normal clearance procedures are followed, or (B) an unanticipated event has occurred and the use of normal clearance procedures will prevent or disrupt the collection of information related to the event or will cause a statutory deadline to be missed, the agency head may request the Director to authorize such collection of information prior to expiration of such sixty-day period. The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the information collection request a control number. Any collection of information conducted pursuant to this subsection may be conducted without compliance with the provisions of this chapter for a maximum of ninety days after the date on which the Director received the request to authorize such collection.

(h) Any written communication to the Administrator of the Office of Information and Regulatory Affairs or to any employee thereof from any person not employed by the Federal Government or from an agency concerning a proposed information collection request, and any written communication from the Administrator or employee of the Office to such person or agency concerning such proposal, shall be made available to the public. This subsection

shall not require the disclosure of any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2819, amended Pub. L. 99-500, § 101(m) [title VIII, § 817], Oct. 18, 1986, 100 Stat. 1783-308, 1783-338, and Pub. L. 99-591, § 101(m) [title VIII, § 817], Oct. 30, 1986, 100 Stat. 3341-308, 3341-338.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3507, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1304, which provided for cooperation of agencies in making information available, was omitted in the general revision of this chapter by section 2(a) of Pub. L. 96-511. See section 3510(a) of this title.

AMENDMENTS

1986—Subsec. (a)(2)(B). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 817(a)], inserted before the semicolon "and setting forth a title for the information collection request, a brief description of the need for the information and its proposed use, a description of the likely respondents and proposed frequency of response to the information collection request, and an estimate of the burden that will result from the information collection request".

Subsec. (b). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 817(b)], inserted ", including an explanation thereof," after "decisions" in first sentence.

Subsec. (h). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 817(c)], added subsec. (h).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3504, 3506, 3509, 3514 of this title; title 20 section 1221-3; title 42 section 242k.

§ 3508. Determination of necessity for information; hearing

Before approving a proposed information collection request, the Director shall determine whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary, for any reason, the agency may not engage in the collection of the information.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2821.)

PRIOR PROVISIONS

A prior section 3508, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1304, which related to unlawful disclosure of information, penalties, and release of information to other agencies, was omitted in the general revision of this chapter by section 2(a) of Pub. L. 96-511. See section 3510(b) of this title.

Provisions similar to those comprising this section were contained in former section 3506 prior to the general revision of this chapter by section 2(a) of Pub. L. 96-511.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3504 of this title.

§ 3509. Designation of central collection agency

The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with any applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by it may not obtain for itself information which it is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority herein is subject to the provisions of section 3507(c) of this chapter.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2821.)

PRIOR PROVISIONS

A prior section 3509, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1304, which related to plans or forms for collecting information, submission to Director, and his approval, was omitted in the general revision of this chapter by section 2(a) of Pub. L. 96-511.

Provisions similar to those comprising this section were contained in former sections 3504 and 3505 prior to the general revision of this chapter by section 2(a) of Pub. L. 96-511.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3504, 3507 of this title; title 42 section 242k.

§ 3510. Cooperation of agencies in making information available

(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained pursuant to an information collection request if the disclosure is not inconsistent with any applicable law.

(b) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information. The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2822.)

PRIOR PROVISIONS

A prior section 3510, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, which authorized promulgation of rules and regulations, was omitted in the general revision of this chapter by section 2(a) of Pub. L. 96-511. See section 3516 of this title.

Provisions similar to those comprising this section were contained in prior sections 3507 and 3508(a) prior to the general revision of this chapter by section 2(a) of Pub. L. 96-511.

§ 3511. Establishment and operation of Federal Information Locator System

(a) There is established in the Office of Information and Regulatory Affairs a Federal Information Locator System (hereafter [4] in this section referred to as the "system") which shall be composed of a directory of information resources, a data element dictionary, and an information referral service. The system shall serve as the authoritative register of all information collection requests, and shall be designed so as to assist agencies and the public in locating existing Government information derived from information collection requests.

(b) In designing and operating the System, the Director shall—

(1) design and operate an indexing system for the System;

(2) require the head of each agency to prepare in a form specified by the Director, and to submit to the Director for inclusion in the System, a data profile for each information collection request of such agency;

(3) compare data profiles for proposed information collection requests against existing profiles in the System, and make available the results of such comparison to—

(A) agency officials who are planning new information collection activities; and

(B) on request, members of the general public; and

(4) ensure that no actual data, except descriptive data profiles necessary to identify duplicative data or to locate information, are contained within the System.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2822, and amended Pub. L. 99-500, § 101(m) [title VIII, § 818], Oct. 18, 1986, 100 Stat. 1783-308, 1783-339, and Pub. L. 99-591, § 101(m) [title VIII, § 818], Oct. 30, 1986, 100 Stat. 3341-308, 3341-339.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3511, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, which provided for penalty for failure to furnish information, was omitted in the general revision of this chapter by section 2(a) of Pub. L. 96-511.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-500 and Pub. L. 99-591 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "There is established in the Office of Information and Regulatory Affairs a Federal Information Locator System (hereafter in this section referred to as the 'System') which shall be composed of a directory of information resources, a data element dictionary, and an information referral service. The System shall serve as the authoritative register of all information collection requests."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3504 of this title.

§ 3512. Public protection

Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain or provide information to any agency if the information collection request involved was made after December 31, 1981, and does not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2822.)

PRIOR PROVISIONS

A prior section 3512, added Pub. L. 93-153, title IV, § 409(b), Nov. 16, 1973, 87 Stat. 593, which related to information for independent regulatory agencies, was omitted in the general revision of this chapter by section 2(a) of Pub. L. 96-511.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 57b-2; title 31 section 3811.

§ 3513. Director review of agency activities; reporting; agency response

(a) The Director shall, with the advice and assistance of the Administrator of General Services and the Archivist of the United States, selectively review, at least once every three years, the information management activities of each agency to ascertain their adequacy and efficiency. In evaluating the adequacy and efficiency of such activities, the Director shall pay particular attention to whether the agency has complied with section 3506.

(b) The Director shall report the results of the reviews to the appropriate agency head, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees of the Congress having jurisdiction over legislation relating to the operations of the agency involved.

(c) Each agency which receives a report pursuant to subsection (b) shall, within sixty days after receipt of such report, prepare and transmit to the Director, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees of the Congress having jurisdiction over legislation relating to the operations of the agency, a written statement responding to the Director's report, including a description of any measures taken to alleviate or remove any problems or deficiencies identified in such report.

[4] So in original. Probably should be "hereinafter".

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2822, and amended Pub. L. 98-497, title I, § 107(b)(27), Oct. 19, 1984, 98 Stat. 2291.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-497 inserted "the Archivist of the United States" after "Administrator of General Services".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 3514. Responsiveness to Congress

(a) The Director shall keep the Congress and its committees fully and currently informed of the major activities under this chapter, and shall submit a report thereon to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary. The Director shall include in any such report—

(1) proposals for legislative action needed to improve Federal information management, including, with respect to information collection, recommendations to reduce the burden on individuals, small businesses, State and local governments, and other persons;

(2) a compilation of legislative impediments to the collection of information which the Director concludes that an agency needs but does not have authority to collect;

(3) an analysis by agency, and by categories the Director finds useful and practicable, describing the estimated reporting hours required of persons by information collection requests, including to the extent practicable the direct budgetary costs of the agencies and identification of statutes and regulations which impose the greatest number of reporting hours;

(4) a summary of accomplishments and planned initiatives to reduce burdens of Federal information collection requests;

(5) a tabulation of areas of duplication in agency information collection requests identified during the preceding year and efforts made to preclude the collection of duplicate information, including designations of central collection agencies;

(6) a list of each instance in which an agency engaged in the collection of information under the authority of section 3507(g) and an identification of each agency involved;

(7) a list of all violations of provisions of this chapter and rules, regulations, guidelines, policies, and procedures issued pursuant to this chapter;

(8) with respect to recommendations of the Commission on Federal Paperwork—

(A) a description of the specific actions taken on or planned for each recommendation;

(B) a target date for implementing each recommendation accepted but not implemented; and

(C) an explanation of the reasons for any delay in completing action on such recommendations;

(9)(A) a summary of accomplishments in the improvement of, and planned initiatives to improve, Federal information resources management within agencies;

(B) a detailed statement with respect to each agency of new initiatives to acquire information technology to improve such management; and

(C) an analysis of the extent to which the policies, principles, standards, and guidelines issued and maintained pursuant to paragraphs (5) and (6) of section 3505 of this title promote or deter such new initiatives; and

(10) with respect to the statistical policy and coordination functions described in section 3504(d) of this title—

(A) a description of the specific actions taken, or planned to be taken, to carry out each such function;

(B) a description of the status of each major statistical program, including information on—

(i) any improvements in each such program;

(ii) any program which has been reduced or eliminated; and

(iii) the budget for each such program for the previous fiscal year and the fiscal year in progress and the budget proposed for each such program for the next fiscal year; and

(C) a description and summary of the long-range plans currently in effect for the major Federal statistical activities and programs.

(b) The preparation of any report required by this section shall not increase the collection of information burden on persons outside the Federal Government.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2823, and Pub. L. 99-500, § 101(m) [title VIII, § 819], Oct. 18, 1986, 100 Stat. 1783-308, 1783-339, and Pub. L. 99-591, § 101(m) [title VIII, § 819], Oct. 30, 1986, 100 Stat. 3341-308, 3341-339.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

AMENDMENTS

1986—Subsec. (a)(9), (10). Pub. L. 99-500 and Pub. L. 99-591 added pars. (9) and (10).

§ 3515. Administrative powers

Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2824.)

§ 3516. Rules and regulations

The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2824.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 3510 prior to the general revision of this chapter by section 2(a) of Pub. L. 96-511.

§ 3517. Consultation with other agencies and the public

In development of information policies, plans, rules, regulations, procedures, and guidelines and in reviewing information collection requests, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2824.)

§ 3518. Effect on existing laws and regulations

(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information activities is subject to the authority conferred on the Director by this chapter.

(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

(c)(1) Except as provided in paragraph (2), this chapter does not apply to the collection of information—

(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

(B) during the conduct of (i) a civil action to which the United States or any official or agency thereof is a party or (ii) an administrative action or investigation involving an agency against specific individuals or entities;

(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

(D) during the conduct of intelligence activities as defined in section 4-206 of Executive Order 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2824.)

REFERENCES IN TEXT

Reorganization Plan No. 1 of 1977, referred to in subsec. (b), is set out in the Appendix to Title 5, Government Organization and Employees.

Executive order, referred to in subsec. (b), probably means Ex. Ord. No. 12046, Mar. 27, 1978, 43 F.R. 13349, which is set out under section 305 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

The Antitrust Civil Process Act, referred to in subsec. (c)(1)(C), is Pub. L. 87-664, Sept. 19, 1962, 76 Stat. 548, as amended, which is classified generally to chapter 34 (§ 1311 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1311 of Title 15 and Tables.

Section 13 of the Federal Trade Commission Improvements Act of 1980, referred to in subsec. (c)(1)(C), is classified to section 57b-1 of Title 15, Commerce and Trade.

Ex. Ord. No. 12036, Jan. 24, 1978, 43 F.R. 3674, referred to in subsec. (c)(1)(D), was revoked by Ex. Ord. No. 12333, Dec. 4, 1981, 46 F.R. 59941, set out under section 401 of Title 50, War and National Defense. "Intelligence activities" is defined in section 3.4(e) of Ex. Ord. No. 12333.

Public Law 89-306, referred to in subsec. (d), is Pub. L. 89-306, Oct. 30, 1965, 79 Stat. 1127, which enacted section 759 of Title 40, Public Buildings, Property, and Works.

The civil rights laws, referred to in subsec. (e), are classified generally to chapter 21 (§ 1981 et seq.) of Title 42, The Public Health and Welfare.

§ 3519. Access to information

Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of his responsibilities. For this purpose, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records of the Office.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2825, and amended Pub. L. 97-258, § 3(m)(3), Sept. 13, 1982, 96 Stat. 1066.)

AMENDMENTS

1982—Pub. L. 97-258 substituted "section 716 of title 31" for "section 313 of the Budget and Accounting Act of 1921, as amended".

§ 3520. Authorization of appropriations

(a) Subject to subsection (b), there are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter, and for no other purpose, $5,500,000 for each of the fiscal years 1987, 1988, and 1989.

(b) No funds may be appropriated pursuant to subsection (a) unless such funds are appropriated in an appropriation Act (or continuing resolution) which separately and expressly states the amount appropriated pursuant to subsection (a) of this section. No funds are authorized to be appropriated to the Office of Information and Regulatory Affairs, or to any other officer or administrative unit of the Office of Management and Budget, to carry out the provisions of this chapter, or to carry out any function under this chapter, for any fiscal year pursuant to any provision of law other than subsection (a) of this section.

(c) Funds appropriated pursuant to subsection (a) may not be used to carry out any function or activity which is not specifically authorized or required by this chapter, but funds so appropriated may be used for necessary expenses of a function or activity which is so authorized or required, such as hire of passenger motor vehicles and services authorized by section 3109 of title 5, United States Code. For the purposes of this subsection, the review of a rule or regulation is specifically authorized or required by this chapter only to the extent that such review is for the sole purpose of reviewing an information collection request contained in, or derived from, such rule or regulation.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2825, and Pub. L. 99-500, § 101(m) [title VIII, § 820], Oct. 18, 1986, 100 Stat. 1783-308, 1783-340, and Pub. L. 99-591, § 101(m) [title VIII, § 820], Oct. 30, 1986, 100 Stat. 3341-308, 3341-340.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

AMENDMENTS

1986—Pub. L. 99-500 and Pub. L. 99-591 amended section generally. Prior to amendment, section read as follows: "There are hereby authorized to be appropriated to carry out the provisions of this chapter, and for no other purpose, sums—

"(1) not to exceed $8,000,000 for the fiscal year ending September 30, 1981;

"(2) not to exceed $8,500,000 for the fiscal year ending September 30, 1982; and

"(3) not to exceed $9,000,000 for the fiscal year ending September 30, 1983."

CHAPTER 37—ADVERTISEMENTS BY GOVERNMENT AGENCIES

Sec.
3701. Advertisements for contracts in District of Columbia.
3702. Advertisements not to be published without written authority.
3703. Rate of payment for advertisements, notices, and proposals.

§ 3701. Advertisements for contracts in District of Columbia

Advertisements for contracts for the public service may not be published in any newspaper published and printed in the District of Columbia unless the supplies or labor covered by the advertisement are to be furnished or performed in the District of Columbia or in the adjoining counties of Maryland or Virginia.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 321 (R.S. § 79; June 20, 1874, ch. 328, 18 Stat. 90; Feb. 18, 1875, ch. 80, § 1, 18 Stat. 317; July 31, 1876, ch. 246, 19 Stat. 105; Aug. 2, 1946, ch. 744, § 17(b), 60 Stat. 811; 1950 Reorg. Plan No. 20, § 2(b), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1272).

CROSS REFERENCES

Procurement procedures, advertising requirements, see section 253 of Title 41, Public Contracts.

Quality of quantities of paper for public printing, advertisements for proposals, see section 509 of this title.

Specifications in advertisements for paper, see section 510 of this title.

§ 3702. Advertisements not to be published without written authority

Advertisements, notices, or proposals for an executive department of the Government, or for a bureau or office connected with it, may not be published in a newspaper except under written authority from the head of the department; and a bill for advertising or publication may not be paid unless there is presented with the bill a copy of the written authority.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 324 (R.S. § 3828).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 302; title 22 section 2126.

§ 3703. Rate of payment for advertisements, notices, and proposals

Advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the Government may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts. But the heads of the several departments may secure lower terms at special rates when the public interest requires it. The rates shall include the furnishing of lawful evidence, under oath, of publication, to be made and furnished by the printer or publisher making publication.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §§ 322, 325 (R.S. § 853; June 20, 1878, ch. 359, § 1, 20 Stat. 216; Sept. 23, 1950, ch. 1010, § 5, 64 Stat. 986).

The second sentence of former section 325 was added. The balance was superseded by former section 322 which will be found in section 3703 of the revision.

TITLE 1—GENERAL PROVISIONS

CHAPTER 2—ACTS AND RESOLUTIONS; FORMALITIES OF ENACTMENT; REPEALS; SEALING OF INSTRUMENTS

§ 107. Parchment or paper for printing enrolled bills or resolutions

Enrolled bills and resolutions of either House of Congress shall be printed on parchment or paper of suitable quality as shall be determined by the Joint Committee on Printing.

(July 30, 1947, ch. 388, 61 Stat. 635.)

CHAPTER 3—CODE OF LAWS OF UNITED STATES AND SUPPLEMENTS; DISTRICT OF COLUMBIA CODE AND SUPPLEMENTS

§ 201. Publication and distribution of Code of Laws of United States and Supplements and District of Columbia Code and Supplements

In order to avoid duplication and waste—

(a) Publishing in slip or pamphlet form or in Statutes at Large

Publication in slip or pamphlet form or in the Statutes at Large of any of the volumes or publications enumerated in sections 202 and 203 of this title, shall, in event of enactment, be dispensed with whenever the Committee on the Judiciary of the House of Representatives so directs the Archivist of the United States;

(b) Curtailing number of copies published

Curtailment of the number provided by law to be printed and distributed of the volumes or publications enumerated in sections 202 and 203 of this title may be directed by such committee, except that the Public Printer shall print such numbers as are necessary for depository library distribution and for sale; and

(c) Dispensing with publication of more than one Supplement for each Congress

Such committee may direct that the printing and distribution of any supplement to the Code of Laws of the United States or to the Code of the District of Columbia be dispensed with entirely, except that there shall be printed and distributed for each Congress at least one supplement to each such code, containing the legislation of such Congress.

(July 30, 1947, ch. 388, 61 Stat. 637; Sept. 3, 1954, ch. 1263, § 1, 68 Stat. 1226; Oct. 19, 1984, Pub. L. 98-497, title I, § 107(d), 98 Stat. 2291.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-497 substituted "Archivist of the United States" for "Administrator of General Services".

1954—Subsec. (a). Act Sept. 3, 1954, substituted "Administrator of General Services" for "Secretary of State."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of Title 44, Public Printing and Documents.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 208 of this title.

§ 202. Preparation and publication of Codes and Supplements

There shall be prepared and published under the supervision of the Committee on the Judiciary of the House of Representatives—

(a) Cumulative Supplements to Code of Laws of United States for each session of Congress

A supplement for each session of the Congress to the then current edition of the Code of Laws of the United States, cumulatively embracing the legislation of the then current supplement, and correcting errors in such edition and supplement;

(b) Cumulative Supplement to District of Columbia Code for each session of Congress

A supplement for each session of the Congress to the then current edition of the Code of the District of Columbia, cumulatively embracing the legislation of the then current supplement, and correcting errors in such edition and supplement;

(c) New editions of Codes and Supplements

New editions of the Code of Laws of the United States and of the Code of the District of Columbia, correcting errors and incorporating the then current supplement. In the case of each code new editions shall not be published oftener than once in each five years. Copies of each such edition shall be distributed in the same manner as provided in the case of supplements to the code of which it is a new edition. Supplements published after any new edition shall not contain the legislation of supplements published before such new edition.

(July 30, 1947, ch. 388, 61 Stat. 637.)

CROSS REFERENCES

Council of the District of Columbia, functions respecting, see section 2 of Pub. L. 94-386, Aug. 14, 1976, 90 Stat. 1170, set out as a note under section 285b of Title 2, The Congress.

Office of the Law Revision Counsel, functions respecting preparation, revision, publication etc., see section 285b of Title 2.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 201, 205, 208, 209, 210, 211, 213 of this title.

§ 203. District of Columbia Code; preparation and publication; cumulative supplements

The Committee on the Judiciary of the House of Representatives is authorized to print bills to codify, revise, and reenact the general and permanent laws relating to the District of Columbia and cumulative supplements thereto, similar in style, respectively, to the Code of Laws of the United States, and supplements thereto, and to so continue until final enactment thereof in both Houses of the Congress of the United States.

(July 30, 1947, ch. 388, 61 Stat. 638.)

COMMISSION ON REVISION OF THE CRIMINAL LAWS OF THE DISTRICT OF COLUMBIA

Pub. L. 90-226, title X, § 1001-1009, Dec. 27, 1967, 81 Stat. 724, which provided for the creation and operation of a commission to study and make recommendations with reference to a revised code of criminal law and procedure for the District of Columbia, was repealed by Pub. L. 91-358, title VI, § 601, July 29, 1970, 84 Stat. 667, as amended by Pub. L. 91-530, § 2(b)(1), Dec. 7, 1970, 84 Stat. 1390.

CROSS REFERENCES

Council of the District of Columbia, functions respecting, see section 2 of Pub. L. 94-386, Aug. 14, 1976, 90 Stat. 1170, set out as a note under section 285b of Title 2, The Congress.

Office of the Law Revision Counsel, functions respecting, see section 285b of Title 2.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 201, 205, 208, 209, 210, 211, 213 of this title.

§ 204. Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of Codes and Supplements

In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States—

(a) United States Code

The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then current supplement, if any, establish prima facie the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included: *Provided, however,* That whenever titles of such Code shall have been enacted into positive law the text thereof shall be legal evidence of the laws therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.

(b) District of Columbia Code

The matter set forth in the edition of the Code of the District of Columbia current at any time shall, together with the then current supplement, if any, establish prima facie the laws, general and permanent in their nature, relating to or in force in the District of Columbia on the day preceding the commencement of the session following the last session the legislation of which is included, except such laws as are of application in the District of Columbia by reason of being laws of the United States general and permanent in their nature.

(c) District of Columbia Code; citation

The Code of the District of Columbia may be cited as "D.C. Code ".

(d) Supplements to Codes; citation

Supplements to the Code of Laws of the United States and to the Code of the District of Columbia may be cited, respectively, as "U.S.C., Sup. ", and "D.C. Code, Sup. ", the blank in each case being filled with Roman figures denoting the number of the supplement.

(e) New edition of Codes; citation

New editions of each of such codes may be cited, respectively, as "U.S.C., ed. ", and "D.C. Code, ed. ", the blank in each case being filled with figures denoting the last year the legislation of which is included in whole or in part.

(July 30, 1947, ch. 388, 61 Stat. 638.)

UNITED STATES CODE TITLES AS POSITIVE LAW

The following titles of the United States Code were enacted into positive law by the acts enumerated below:

Title 1, General Provisions—Act July 30, 1947, ch. 388, § 1, 61 Stat. 633.

Title 3, The President—Act June 25, 1948, ch. 644, § 1, 62 Stat. 672.

Title 4, Flag and Seal, Seat of Government, and the States—Act July 30, 1947, ch. 389, § 1, 61 Stat. 641.

Title 5, Government Organization and Employees—Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Title 6, Surety Bonds—Act July 30, 1947, ch. 390, § 1, 61 Stat. 646, as amended June 6, 1972, Pub. L. 92-310, title II, § 203(4), 86 Stat. 202, and repealed Sept. 13, 1982, Pub. L. 97-258, § 5(b), 96 Stat. 1068, 1085. See, now, Title 31, Money and Finance.

Title 9, Arbitration—Act July 30, 1947, ch. 392, § 1, 61 Stat. 669.

Title 10, Armed Forces—Act Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 1.

Title 11, Bankruptcy—Pub. L. 95-598, title I, § 101, Nov. 6, 1978, 92 Stat. 2549.

Title 13, Census—Act Aug. 31, 1954, ch. 1158, 68 Stat. 1012.

Title 14, Coast Guard—Act Aug. 4, 1949, ch. 393, § 1, 63 Stat. 495.

Title 17, Copyrights—Act July 30, 1947, ch. 391, § 1, 61 Stat. 652, as amended Oct. 19, 1976, Pub. L. 94-553, title I, § 101, 90 Stat. 2541.

Title 18, Crimes and Criminal Procedure—Act June 25, 1948, ch. 645, § 1, 62 Stat. 683.

Title 23, Highways—Pub. L. 85-767, § 1, Aug. 27, 1958, 72 Stat. 885.

Title 28, Judiciary and Judicial Procedure—Act June 25, 1948, ch. 646, § 1, 62 Stat. 869.

Title 31, Money and Finance—Pub. L. 97-258, § 1, Sept. 13, 1982, 96 Stat. 877.

Title 32, National Guard—Act Aug. 10, 1956, ch. 1041, § 2, 70A Stat. 596.

Title 34, Navy—See Title 10, Armed Forces.

Title 35, Patents—Act July 19, 1952, ch. 950, § 1, 66 Stat. 792.

Title 37, Pay and Allowances of the Uniformed Services—Pub. L. 87-649, § 1, Sept. 7, 1962, 76 Stat. 451.

Title 38, Veterans' Benefits—Pub. L. 85-857, § 1, Sept. 2, 1958, 72 Stat. 1105.

Title 39, Postal Service—Pub. L. 86-682, § 1, Sept. 2, 1960, 74 Stat. 578, as revised Pub. L. 91-375, § 2, Aug. 12, 1970, 84 Stat. 719.

Title 44, Public Printing and Documents—Pub. L. 90-620, § 1, Oct. 22, 1968, 82 Stat. 1238.

Title 46, Shipping (in part)—Pub. L. 98-89, § 1, Aug. 26, 1983, 97 Stat. 500; Pub. L. 99-509, title V, subtitle B, § 5101, Oct. 21, 1986, 100 Stat. 1913.

Title 49, Transportation (in part)—Pub. L. 95-473, § 1, Oct. 17, 1978, 92 Stat. 1337; Pub. L. 97-449, § 1, Jan. 12, 1983, 96 Stat. 2413.

TITLE 26, INTERNAL REVENUE CODE

The Internal Revenue Code of 1954 was enacted in the form of a separate code by act August 16, 1954, ch. 736, 68A Stat. 1. Pub. L. 99-514, § 2(a), Oct. 22, 1986, 100 Stat. 2095, provided that the Internal Revenue Title enacted August 16, 1954, as heretofore, hereby, or hereafter amended, may be cited as the "Internal Revenue Code of 1986 ". The sections of Title 26, United States Code, are identical to the sections of the Internal Revenue Code.

FEDERAL RULES OF CIVIL PROCEDURE

Proof of official record, see rule 44, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 208 of this title.

§ 205. Codes and Supplement; where printed; form and style; ancillaries

The publications provided for in sections 202, 203 of this title shall be printed at the Government Printing Office and shall be in such form and style and with such ancillaries as may be prescribed by the Committee on the Judiciary of the House of Representatives. The Librarian of Congress is directed to cooperate with such committee in the preparation of such ancillaries. Such publications shall be furnished with such thumb insets and other devices to distinguish parts, with such facilities for the insertion of additional matter, and with such explanatory and advertising slips, and shall be printed on such paper and bound in such material, as may be prescribed by such committee.

(July 30, 1947, ch. 388, 61 Stat. 639.)

CROSS REFERENCES

Council of the District of Columbia, functions respecting, see section 2 of Pub. L. 94-386, Aug. 14, 1976, 90 Stat. 1170, set out as a note under section 285b of Title 2, The Congress.

Office of the Law Revision Counsel, functions respecting, see section 285b of Title 2.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 208 of this title; title 44 section 707.

§ 206. Bills and resolutions of Committee on the Judiciary of House of Representatives; form and style; ancillaries; curtailment of copies

All bills and resolutions relating to the revision of the laws referred to or reported by the Committee on the Judiciary of the House of Representatives shall be printed in such form and style, and with such ancillaries, as such committee may prescribe as being economical and suitable, to so continue until final enactment thereof in both Houses of Congress; and such committee may also curtail the number of copies of such bills to be printed in the various parliamentary stages in the House of Representatives.

(July 30, 1947, ch. 388, 61 Stat. 639.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 208 of this title; title 44 section 707.

§ 207. Copies of acts and resolutions in slip form; additional number printed for Committee on the Judiciary of House of Representatives

The Public Printer is directed to print, in addition to the number provided by existing law, and, as soon as printed, to distribute in such manner as the Committee on the Judiciary of the House of Representatives shall determine, twenty copies in slip form of each public Act and joint resolution.

(July 30, 1947, ch. 388, 61 Stat. 639.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 208 of this title.

§ 208. Delegation of function of Committee on the Judiciary to other agencies; printing, and so forth, under direction of Joint Committee on Printing

The functions vested by sections 201, 202, 204-207 of this title in the Committee on the Judiciary of the House of Representatives may from time to time be vested in such other agency as the Congress may by concurrent resolution provide: *Provided*, That the printing, binding, and distribution of the volumes and publications enumerated in sections 202, 203 of this title shall be done under the direction of the Joint Committee on Printing.

(July 30, 1947, ch. 388, 61 Stat. 639.)

CROSS REFERENCES

Office of the Law Revision Counsel, functions respecting, see section 285b of Title 2, The Congress.

§ 209. Copies of Supplements to Code of Laws of United States and of District of Columbia Code and Supplements; conclusive evidence of original

Copies of the Code of Laws relating to the District of Columbia and copies of the supplements provided for by sections 202 and 203 of this title printed at the Government Printing Office and bearing its imprint, shall be conclusive evidence of the original of such code and supplements in the custody of the Administrator of General Services.

(July 30, 1947, ch. 388, 61 Stat. 639; Sept. 3, 1954, ch. 1263, § 2, 68 Stat. 1226.)

AMENDMENTS

1954—Act Sept. 3, 1954, substituted "Administrator of General Services" for "Secretary of State".

§ 210. Distribution of Supplements to Code of Laws of United States and of District of Columbia Code and Supplements; slip and pamphlet copies

Copies of the Code of Laws relating to the District of Columbia, and of the supplements provided for by sections 202, 203 of this title shall be distributed by the Superintendent of Documents in the same manner as bound volumes of the Statutes at Large: *Provided*, That no slip or pamphlet copies of the Code of Laws relating to the District of Columbia, and of the supplements provided for by sections 202, 203 of this title need be printed or distributed.

(July 30, 1947, ch. 388, 61 Stat. 640.)

CROSS REFERENCES

Distribution of Statutes at Large, see section 728 of Title 44, Public Printing and Documents.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 211 of this title.

§ 211. Copies to Members of Congress

In addition to quotas provided for by section 210 of this title there shall be printed, published, and distributed of the Code of Laws relating to the District of Columbia with tables, index, and other ancillaries, suitably bound and

with thumb inserts and other convenient devices to distinguish the parts, and of the supplements to both codes as provided for by sections 202, 203 of this title, ten copies of each for each Member of the Senate and House of Representatives of the Congress in which the original authorized publication is made, for his use and distribution, and in addition for the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a number of bound copies of each equal to ten times the number of members of such committees, and one bound copy of each for the use of each committee of the Senate and House of Representatives.

(July 30, 1947, ch. 388, 61 Stat. 640.)

LIMITATION ON COPIES OF NEW EDITIONS FOR HOUSE OF REPRESENTATIVES

Pub. L. 92-342, § 101, July 10, 1972, 86 Stat. 447, provided in part that "Hereafter, appropriations for authorized printing and binding for the Congress shall not be available under the authority of the Act of July 30, 1947 (1 U.S.C. 211) for the printing, publication, and distribution of more than two copies of new editions of the Code of Laws of the United States and of the Code of the District of Columbia for each Member of the House of Representatives."

WRITTEN REQUESTS FOR DOCUMENTS

Copies of District of Columbia Code and Supplements not available to Senators or Representatives unless specifically requested by them, in writing, see Pub. L. 94-59, title VIII, § 801, July 25, 1975, 89 Stat. 296, set out as a note under section 1317 of Title 44, Public Printing and Documents.

§ 212. Additional distribution at each new Congress

In addition the Superintendent of Documents shall, at the beginning of the first session of each Congress, supply to each Senator and Representative in such Congress, who may in writing apply for the same, one copy each of the Code of Laws of the United States, the Code of Laws relating to the District of Columbia, and the latest supplement to each code: *Provided,* That such applicant shall certify in his written application for the same that the volume or volumes for which he applies is intended for his personal use exclusively: *And provided further,* That no Senator or Representative during his term of service shall receive under this section more than one copy each of the volumes enumerated herein.

(July 30, 1947, ch. 388, 61 Stat. 640.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 sections 54, 55.

§ 213. Appropriation for preparing and editing supplements

For preparation and editing an annual appropriation of $6,500 is authorized to carry out the purposes of sections 202 and 203 of this title.

(July 30, 1947, ch. 388, 61 Stat. 640.)

TITLE 2—THE CONGRESS

CHAPTER 2—ORGANIZATION OF CONGRESS

§ 28. Parliamentary precedents of House of Representatives

(a) Periodic compilation; other useful materials; index digest; date of completion

The Parliamentarian of the House of Representatives, at the beginning of the fifth fiscal year following the completion and publication of the parliamentary precedents of the House authorized by the Legislative Branch Appropriation Act, 1966 (79 Stat. 270; Public Law 89-90), and at the beginning of each fifth fiscal year thereafter, shall commence the compilation and preparation for printing of the parliamentary precedents of the House of Representatives, together with such other materials as may be useful in connection therewith, and an index digest of such precedents and other materials. Each such compilation and preparation for printing of the parliamentary precedents of the House shall be completed by the close of the fiscal year immediately following the fiscal year in which such work is commenced.

(b) Form, number, and distribution of compilation

As so compiled and prepared, such precedents and other materials and index digest shall be printed on pages of such size, and in such type and format, as the Parliamentarian may determine and shall be printed in such numbers and for such distribution as may be provided by law enacted prior to printing.

(c) Appointment and compensation of personnel; utilization of services of personnel of Federal agencies

For the purpose of carrying out each such compilation and preparation, the Parliamentarian may—

(1) subject to the approval of the Speaker, appoint (as employees of the House of Representatives) clerical and other personnel and fix their respective rates of pay; and

(2) utilize the services of personnel of the Library of Congress and the Government Printing Office.

(Pub. L. 91-510, title III, § 331, Oct. 26, 1970, 84 Stat. 1186.)

REFERENCES IN TEXT

The Legislative Branch Appropriation Act, 1966, referred to in sub§ (a), is Pub. L. 89-90, July 27, 1965, 79 Stat. 265.

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

CROSS REFERENCES

Establishment of Office of the Parliamentarian of the House of Representatives, see section 287 et seq. of this title.

§ 28a. Compilation of the Precedents of the House of Representatives; date of completion; biennial update; printing and availability of copies

The Speaker is authorized and directed to complete the Compilation of the Precedents of the House of Representatives by January 1, 1977, and prepare an updated compilation of such precedents every two years thereafter. Copies of the Compilation of Precedents shall be printed in sufficient quantity to be available to every Member and the standing committees of the House of Representatives.

(Pub. L. 93-554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777.)

CODIFICATION

Section is based on section 208 of House Resolution No. 988, Ninety-third Congress, Oct. 8, 1974, which was enacted into permanent law by Pub. L. 93-554.

EFFECTIVE DATE

Section 101 of Pub. L. 93-554 provided in part that the enactment of House Resolution No. 988, Ninety-third Congress, into permanent law is effective Jan. 2, 1975.

§ 28b. Printing and Binding as public document of Precedents of House of Representatives; number of sets authorized

(a) There shall be printed and bound as a public document two thousand sets of Precedents of the House of Representatives compiled and prepared by Lewis Deschler (hereinafter in sections 28b to 28e of this title referred to as the "Precedents") in accordance with the provisions of the Legislative Branch Appropriations Act, 1966 (Public Law 89-90; 79 Stat. 265).

(b) The number of sets authorized to be printed and bound by or pursuant to sections 28b to 28e of this title shall be in lieu of the usual number of copies for binding and distribution required by section 701 of title 44.

(Pub. L. 94-551, § 1, Oct. 18, 1976, 90 Stat. 2537.)

REFERENCES IN TEXT

The Legislative Branch Appropriations Act, 1966, referred to in text, is Pub. L. 89-90, July 27, 1965, 79 Stat. 265. For complete classification of this Act to the Code, see Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28e of this title.

§ 28c. Distribution of Precedents by Public Printer

(a) Delivery to Members of Ninety-fifth Congress; marking of volumes

The Public Printer shall deliver one set of the Precedents to each Senator or Representative in, or Delegate or Resident Commissioner to, the Ninety-fifth Congress. The name of the Member to whom the set is delivered shall be legibly stamped on the front cover of each volume of the set.

(b) Members of Congress following Ninety-fifth Congress not already having sets of Precedents; necessity of written request to Superintendent of Documents for set

Each Senator or Representative in, or Delegate or Resident Commissioner to, each Congress following the Ninety-fifth Congress who has not theretofore received a set of the Precedents shall be entitled to receive one set of the Precedents, upon transmitting a written request for such set to the Superintendent of Documents.

(c) Additional distribution of sets

The Public Printer shall make the following distribution of sets of the Precedents:

(1) to the office of the Vice President, to the office of the speaker of the House of Representatives, and to the office of the President pro tempore of the Senate, each, five sets;

(2) to the office of the majority leader of the House of Representatives and to the office of the minority leader of the House of Representives, each, three sets.

(3) to the Parliamentarian of the House of Representatives, sixty sets;

(4) to the Parliamentarian of the Senate, five sets;

(5) to the Clerk of the House of Representatives, to the Sergeant at Arms of the House of Representatives, and to the Doorkeeper of the House of Representatives, each, two sets;

(6) to the Secretary of the Senate and to the Sergeant at Arms of the Senate, each, two sets;

(7) to the superintendent of the House document room, two sets;

(8) to the superintendent of the Senate document room, two sets;

(9) to the Library of Congress, for international exchange and for official use in Washington, District of Columbia, one hundred and fifty sets;

(10) to the National Archives, three sets;

(11) to the government of the District of Columbia, twelve sets;

(12) to the Smithsonian Institute, two sets;

(13) to the library of each legislative branch of each State, territory, and possession of the United States, one set; and

(14) to the Superintendent of Documents, eight hundred and sixteen sets for distribution to the depository library system.

(Pub. L. 94-551, § 2, Oct. 18, 1976, 90 Stat. 2537.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28b, 28e of this title.

§ 28d. Distribution of Precedents by Public Printer for official use; particular distribution; marking and ownership of sets

(a) The Public Printer shall make the following distribution of sets of the Precedents;

(1) to each standing or joint committee of the Congress which is in existence on October 18, 1976, or which is established after October 18, 1976, four sets;

(2) to the office of the Legislative Counsel of the House of Representatives, five sets;

(3) to the office of the Legislative Counsel of the Senate, five sets;

(4) to the library of the House of Representatives, four sets;

(5) to the library of the Senate, two sets;

(6) to the library of the Supreme Court of the United States, nine sets;

(7) to the office of the Official Reporter of Debates of the House of Representatives, three sets; and

(8) to the office of the Official Reporter of Debates of the Senate, three sets.

(b) Each set of Precedents distributed by the Public Printer under subsection (a) of this section shall be for official use. Each such set shall be legibly stamped on the front cover "Property of the United States Government." Each such set, upon delivery, shall become and remain the property of the United States, and may not be removed from the building in which is located the designated library or office, as the case may be.

(Pub. L. 94-551, § 3, Oct. 18, 1976, 90 Stat. 2538.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28b, 28e of this title.

§ 28e. Distribution of Precedents by Joint Committee on Printing of surplus sets; additional printing, etc., of sets under authority of Joint Committee

(a) Any set of the Precedents printed and bound pursuant to subsection (a) of section 28b of this title, not needed to carry out the distributions required by sections 28b to 28e of this title, shall be distributed under the direction of the Joint Committee on Printing.

(b) The Joint Committee on Printing may from time to time authorize and direct that additional sets of the Precedents, be printed, bound, and distributed in such manner as the Joint Committee determines will best carry out the purposes of sections 28b to 28e of this title.

(Pub. L. 94-551, § 4, Oct. 18, 1976, 90 Stat. 2538.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28b of this title.

CHAPTER 5—LIBRARY OF CONGRESS

§ 168. Constitution of the United States; preparation and publication of revised edition; annotations; supplements; decennial editions and supplements

The Librarian of Congress shall have prepared—

(1) a hardbound revised edition of the Constitution of the United States of America—Analysis and Interpretation, published as Senate Document Numbered 39, Eighty-eighth Congress (referred to hereinafter as the "Constitution Annotated"), which shall contain annotations of decisions of the Supreme Court of the United States through the end of the October 1971 term of the Supreme Court, construing provisions of the Constitution;

(2) upon the completion of each of the October 1973, October 1975, October 1977, and October 1979 terms of the Supreme Court, a cumulative pocket-part supplement to the hardbound revised edition of the Constitution Annotated prepared pursuant to clause (1), which shall contain cumulative annotations of all such decisions rendered by the Supreme Court after the end of the October 1971 term;

(3) upon the completion of the October 1981 term of the Supreme Court, and upon the completion of each tenth October term of the Supreme Court thereafter, a hardbound decennial revised edition of the Constitution Annotated, which shall contain annotations of all decisions theretofore rendered by the Supreme Court construing provisions of the Constitution; and

(4) upon the completion of the October 1983 term of the Supreme Court, and upon the completion of each subsequent October term of the Supreme Court beginning in an odd-numbered year (the final digit of which is not a 1), a cumulative pocket-part supplement to the most recent hardbound decennial revised edition of the Constitution Annotated, which shall contain cumulative annotations of all such decisions rendered by the Supreme Court which were not included in that hardbound decennial revised edition of the Constitution Annotated.

(Pub. L. 91-589, § 1, Dec. 24, 1970, 84 Stat. 1586.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 168b, 168d of this title.

§ 168a. Printing of Constitution Annotated as Senate documents

All hardbound revised editions and all cumulative pocket-part supplements shall be printed as Senate documents.

(Pub. L. 91-589, § 2, Dec. 24, 1970, 84 Stat. 1586.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 168d of this title.

§ 168b. Printing and distribution of additional copies of Constitution Annotated

There shall be printed four thousand eight hundred and seventy additional copies of the hardbound revised editions prepared pursuant to clause (1) of section 168 of this title and of all cumulative pocket-part supplements thereto, of which two thousand six hundred and thirty-four copies shall be for the use of the House of Representatives, one thousand two hundred and thirty-six copies shall be for the use of the Senate, and one thousand copies shall be for the use of the Joint Committee on Printing. All Members of the Congress, Vice Presidents of the United States, and Delegates and Resident Commissioners, newly elected subsequent to the issuance of the hardbound revised edition prepared pursuant to such clause and prior to the first hardbound decennial revised edition, who did not receive a copy of the edition prepared pursuant to such clause, shall, upon timely request, receive one copy of

such edition and the then current cumulative pocket-part supplement and any further supplements thereto. All Members of the Congress, Vice Presidents of the United States, and Delegates and Resident Commissioners, no longer serving after the issuance of the hardbound revised edition prepared pursuant to such clause and who received such edition, may receive one copy of each cumulative pocket-part supplement thereto upon timely request.

(Pub. L. 91-589, § 3, Dec. 24, 1970, 84 Stat. 1586.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 168d of this title.

§ 168c. Printing and distribution of decennial editions and supplements to Constitution Annotated

Additional copies of each hardbound decennial revised edition and of the cumulative pocket-part supplements thereto shall be printed and distributed in accordance with the provisions of any concurrent resolution hereafter adopted with respect thereto.

(Pub. L. 91-589, § 4, Dec. 24, 1970, 84 Stat. 1587.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 168d of this title.

§ 168d. Authorization of appropriations for Constitution Annotated

There are authorized to be appropriated such sums, to remain available until expended, as may be necessary to carry out the provisions of sections 168 to 168d of this title.

(Pub. L. 91-589, § 5, Dec. 24, 1970, 84 Stat. 1587.)

TITLE 4—FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES

CHAPTER 5—OFFICE TERRITORIAL PAPERS

§ 145. Printing and distribution

(a) The Public Printer shall print and bind each volume of the official papers relating to the Territories of the United States as provided for in this chapter, of which—

(1) four hundred and twenty copies shall be delivered to the Superintendent of Documents, Government Printing Office, for distribution, on the basis of one copy each, and as directed by the Archivist, to those historical associations, commissions, museums, or libraries and other nondepository libraries, not to exceed eight in number within each State, Territory, or Possession, which have been or may be designated by the Governor thereof to receive such copies;

(2) one hundred copies shall be delivered to the National Archives and Records Administration for the use of that Administration; and

(3) one hundred copies shall be delivered to the Superintendent of Documents for distribution in such manner and number as may be authorized and directed by the Joint Committee on Printing.

(b) The historical associations, commissions, museums, or libraries and other nondepository libraries within each State, Territory, or Possession which have been or may be designated by the Governor thereof to receive the publications referred to in subsection (a) of this section, shall, during their existence, receive the succeeding volumes, the distribution of which shall be made by the Superintendent of Documents in accordance with lists of designations transmitted to him by the Archivist. A new designation may be made to the Archivist by the Governor only when a designated association, commission, museum, or library shall cease to exist, or when authorized by law.

(Added Oct. 31, 1951, ch. 655, § 12, 65 Stat. 714, and amended Oct. 19, 1984, Pub. L. 98-497, title I, § 107(f), 98 Stat. 2292.)

AMENDMENTS

1984—Subsec. (a)(1). Pub. L. 98-497 substituted "Archivist" for "Administrator".

Subsec. (a)(2). Pub. L. 98-497 substituted "National Archives and Records Administration" for "General Services Administration".

Subsec. (b). Pub. L. 98-497 substituted "Archivist" for "Administrator" in two places.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of Title 44, Public Printing and Documents.

TITLE 16—CONSERVATION

CHAPTER 12—FEDERAL REGULATION AND DEVELOPMENT OF POWER

§ 825. Accounts and records

(a) Duty to keep

Every licensee and public utility shall make, keep, and preserve for such periods, such accounts, records of cost-accounting procedures, correspondence, memoranda, papers, books, and other records as the Commission may by rules and regulations prescribe as necessary or appropriate for purposes of the administration of this chapter, including accounts, records, and memoranda of the generation, transmission, distribution, delivery, or sale of electric energy, the furnishing of services or facilities in connection therewith, and receipts and expenditures with respect to any of the foregoing: *Provided, however*, That nothing in this chapter shall relieve any public utility from keeping any accounts, memoranda, or records which such public utility may be required to keep by or under authority of the laws of any State. The Commission may prescribe a system of accounts to be kept by licensees and public utilities and may classify such licensees and public utilities and prescribe a system of accounts for each class. The Commission, after notice and opportunity for hearing, may determine by order the accounts in which particular outlays and re-

ceipts shall be entered, charged, or credited. The burden of proof to justify every accounting entry questioned by the Commission shall be on the person making, authorizing, or requiring such entry, and the Commission may suspend a charge or credit pending submission of satisfactory proof in support thereof.

(b) Access to and examination by the Commission

The Commission shall at all times have access to and the right to inspect and examine all accounts, records, and memoranda of licensees and public utilities, and it shall be the duty of such licensees and public utilities to furnish to the Commission, within such reasonable time as the Commission may order, any information with respect thereto which the Commission may by order require, including copies of maps, contracts, reports of engineers, and other data, records, and papers, and to grant to all agents of the Commission free access to its property and its accounts, records, and memoranda when requested so to do. No member, officer, or employee of the Commission shall divulge any fact or information which may come to his knowledge during the course of examination of books or other accounts, as hereinbefore provided, except insofar as he may be directed by the Commission or by a court.

(c) Controlling individual

The books, accounts, memoranda, and records of any person who controls, directly or indirectly, a licensee or public utility subject to the jurisdiction of the Commission, and of any other company controlled by such person, insofar as they relate to transactions with or the business of such licensee or public utility, shall be subject to examination on the order of the Commission.

(June 10, 1920, ch. 285, § 301, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 854.)

TRANSFER OF FUNCTIONS

The Federal Power Commission was terminated and its functions, personnel, property, funds, etc., were transferred to the Secretary of Energy (except for certain functions which were transferred to the Federal Energy Regulatory Commission) by sections 7151(b), 7171(a), 7172(a), 7291, and 7293 of Title 42, The Public Health and Welfare.

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, § 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 825b, 828b of this title; title 42 section 7172.

§ 825k. Publication and sale of reports

The Commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and is authorized to sell at reasonable prices copies of all maps, atlases, and reports as it may from time to time publish. Such reasonable prices may include the cost of compilation, composition, and reproduction. The Commission is also authorized to make such charges as it deems reasonable for special statistical services and other special or periodic services. The amounts collected under this section shall be deposited in the Treasury to the credit of miscellaneous receipts. All printing for the Federal Power Commission making use of engraving, lithography, and photolithography, together with the plates for the same, shall be contracted for and performed under the direction of the Commission, under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe, and all other printing for the Commission shall be done by the Public Printer under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe. The entire work may be done at, or ordered through, the Government Printing Office whenever, in the judgment of the Joint Committee on Printing, the same would be to the interest of the Government:*Provided*, That when the exigencies of the public service so require, the Joint Committee on Printing may authorize the Commission to make immediate contracts for engraving, lithographing, and photolithographing, without advertisement for proposals:*Provided further*, That nothing contained in this chapter or any other Act shall prevent the Federal Power Commission from placing orders with other departments or establishments for engraving, lithographing, and photolithographing, in accordance with the provisions of sections 1535 and 1536 of title 31, providing for interdepartmental work.

(June 10, 1920, ch. 285, § 312, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 859.)

CODIFICATION

"Sections 1535 and 1536 of title 31" was substituted in text for "sections 601 and 602 of the Act of June 30, 1932 (47 Stat. 417 (31 U.S.C. 686, 686b))" on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

TRANSFER OF FUNCTIONS

The Federal Power Commission was terminated and its functions, personnel, property, funds, etc., were transferred to the Secretary of Energy (except for certain functions which were transferred to the Federal Energy Regulatory Commission) by sections 7151(b), 7171(a), 7172(a), 7291, and 7293 of Title 42, The Public Health and Welfare.

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 717m; title 39 section 3204; title 42 section 7172.

TITLE 20—EDUCATION

CHAPTER 26—SUPPORT AND SCHOLARSHIP IN HUMANITIES AND ARTS; MUSEUM SERVICES

§ 954. National Endowment for the Arts

(a) Establishment

There is established within the Foundation a National Endowment for the Arts.

(b) Chairperson of the Endowment; term of office; vacancies

(1) The Endowment shall be headed by a chairperson, to be known as the Chairperson of the National Endowment for the Arts, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The term of office of the Chairperson shall be four years and the Chairperson shall be eligible for reappointment. The provisions of this subsection shall apply to any person appointed to fill a vacancy in the office of Chairperson. Upon expiration of the chairperson's term of office the Chairperson shall serve until the Chairperson's successor shall have been appointed and shall have qualified.

(c) Program of contracts, grants-in-aid, or loans to groups and individuals for projects and productions; traditionally underrepresented recipients of financial assistance

The Chairperson, with the advice of the National Council on the Arts, is authorized to establish and carry out a program of contracts with, or grants-in-aid or loans to, groups or, in appropriate cases, individuals of exceptional talent engaged in or concerned with the arts, for the purpose of enabling them to provide or support—

(1) projects and productions which have substantial artistic and cultural significance, giving emphasis to American creativity and cultural diversity and the maintenance and encouragement of professional excellence;

(2) projects and productions, meeting professional standards or standards of authenticity, irrespective of origin, which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens for geographic or economic reasons;

(3) projects and productions that will encourage and assist artists and enable them to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or to achieve standards of professional excellence;

(4) projects and productions which have substantial artistic and cultural significance and that reach, or reflect the culture of, a minority, inner city, rural, or tribal community;

(5) projects and productions that will encourage public knowledge, understanding, and appreciation of the arts;

(6) workshops that will encourage and develop the appreciation and enjoyment of the arts by our citizens;

(7) programs for the arts at the local level; and

(8) other relevant projects, including surveys, research, planning, and publications relating to the purposes of this subsection.

In the case of publications under clause (8) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44 only if the Chairperson consults with the Joint Committee on Printing of the Congress and the Chairperson submits to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a report justifying any exemption from such section 501. Any loans made by the Chairperson under this subsection shall be made in accordance with terms and conditions approved by the Secretary of the Treasury. In selecting individuals and groups of exceptional talent as recipients of financial assistance to be provided under this subsection, the Chairperson shall give particular regard to artists and artistic groups that have traditionally been underrepresented.

§ 956. National Endowment for the Humanities

(a) Establishment

There is established within the Foundation a National Endowment for the Humanities.

(b) Chairperson of the Endowment; appointment, term, reappointment; vacancy; expiration of term

(1) The Endowment shall be headed by a chairperson, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The term of office of the Chairperson shall be four years, and the Chairperson shall be eligible for reappointment. The provisions of this paragraph shall apply to any person appointed to fill a vacancy in the office of the Chairperson. Upon expiration of the Chairperson's term of office the Chairperson shall serve until the Chairperson's successor shall have been appointed and shall have qualified.

(c) Functions of the Endowment; publications; traditionally underrepresented recipients of financial assistance

The Chairperson, with the advice of the National Council on the Humanities (hereinafter established), is authorized to—

(1) develop and encourage the pursuit of a national policy for the promotion of progress and scholarship in the humanities;

(2) initiate and support research and programs to strengthen the research and teaching potential of the United States in the humanities by making arrangements (including contracts, grants, loans, and other forms of assistance) with individuals or groups to support such activities; any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury;

(3) award fellowships and grants to institutions or individuals for training and workshops in the humanities. Fellowships

awarded to individuals under this authority may be for the purpose of study or research at appropriate nonprofit institutions selected by the recipient of such aid, for stated periods of time;

(4) initiate and support programs and research which have substantial scholarly and cultural significance and that reach, or reflect the diversity and richness of our American cultural heritage, including the culture of, a minority, inner city, rural, or tribal community;

(5) foster international programs and exchanges;

(6) foster the interchange of information in the humanities;

(7) foster, through grants or other arrangements with groups, education in, and public understanding and appreciation of the humanities;

(8) support the publication of scholarly works in the humanities; and

(9) insure that the benefit of its programs will also be available to our citizens where such programs would otherwise be unavailable due to geographic or economic reasons.

In the case of publications under clause (8) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44 only if the Chairperson consults with the Joint Committee on Printing of the Congress and the Chairperson submits to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a report justifying any exemption from such section 501. In selecting individuals and groups of exceptional talent as recipients of financial assistance to be provided under this subsection, the Chairperson shall give particular regard to scholars, and educational and cultural institutions, that have traditionally been underrepresented.

TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

CHAPTER 19—DISTRIBUTION OF REPORTS AND DIGESTS

§ 411. Supreme Court reports; printing, binding, and distribution

(a) The decisions of the Supreme Court of the United States shall be printed, bound, and distributed in the preliminary prints and bound volumes of the United States Reports as soon as practicable after rendition, to be charged to the proper appropriation for the judiciary. The number and distribution of the copies shall be under the control of the Joint Committee on Printing.

(b) Reports printed prior to June 12, 1926, shall not be furnished the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force.

(c) The Public Printer, or other printer designated by the Supreme Court of the United States, upon request, shall furnish to the Superintendent of Documents the reports required to be distributed under the provisions of this section.

(June 25, 1948, ch. 646, 62 Stat. 904; May 24, 1949, ch. 139, § 68, 63 Stat. 99; Oct. 31, 1951, ch. 655, § 41, 65 Stat. 725; July 10, 1952, ch. 632, § 4, 66 Stat. 540.)

TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS

CHAPTER 10—MANAGEMENT AND DISPOSAL OF GOVERNMENT PROPERTY

§ 474. Congress, departments, agencies, corporations, and persons exempted from provisions

The authority conferred by this Act shall be in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except as otherwise provided by the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), and except that sections 486(b) and 487(c) of this title shall not be applicable to any Government corporation or agency which is subject to chapter 91 of title 31.

Nothing in this Act shall impair or affect any authority of—

(1) the President under the Philippine Property Act of 1946 (60 Stat. 418; 22 U.S.C. 1381);

(2) any executive agency with respect to any phase (including, but not limited to, procurement, storage, transportation, processing, and disposal) of any program conducted for purposes of resale, price support, grants to farmers, stabilization, transfer to foreign governments, or foreign aid, relief, or rehabilitation: *Provided,* That the agency carrying out such program shall, to the maximum extent practicable, consistent with the fulfillment of the purposes of the program and the effective and efficient conduct of its business, coordinate its operations with the requirements of this Act and the policies and regulations prescribed pursuant thereto;

(3) any executive agency named in chapter 137 of title 10, and the head thereof, with respect to the administration of said chapter;

(4) the Department of Defense with respect to property required for or located in occupied territories;

(5) the Secretary of Defense with respect to the administration of the National Industrial Reserve Act of 1948 (50 U.S.C. 451 et seq.);

(6) the Secretary of Defense, the Munitions Board, and the Secretaries of the Army, Navy, and Air Force with respect to the administration of the Strategic and Critical Materials Stock Piling Act (60 Stat. 596) (50 U.S.C. 98 et seq.);

(7) the Secretary of State under the Foreign Service Buildings Act of May 7, 1926, as amended (22 U.S.C. 292 et seq.);

(8) the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force with respect to the administration of section 1171(b) of Appendix to title 50;

(9) the Secretary of Agriculture or the Department of Agriculture under (A) the National School Lunch Act (60 Stat. 230) (42 U.S.C. 1751 et seq.); (B) the Farmers Home Administration Act of 1946 (60 Stat. 1062); (C) the Act of August 31, 1947, Public Law 298, Eightieth Congress, with respect to the disposal of labor supply centers, and labor homes, labor camps, or facilities; (D) section 612c of title 7, with respect to the exportation and domestic consumption of agricultural products; or (E) section 1291 or section 1622(j) of title 7.

(10) the Secretary of Agriculture, Farm Credit Administration, or any farm credit board under section 640l(b) of title 12, with respect to the acquisition or disposal of property;

(11) the Department of Housing and Urban Development or any officer thereof with respect to the disposal of residential property, or of other property (real or personal) held as part of or acquired for or in connection with residential property, or in connection with the insurance of mortgages, loans, or savings and loan accounts under the National Housing Act (12 U.S.C. 1701 et seq.);

(12) the Tennessee Valley Authority with respect to nonpersonal services, with respect to the matters referred to in section 481(a)(4) of this title, and with respect to any property acquired or to be acquired for or in connection with any program of processing, manufacture, production, or force account construction: *Provided*, That the Tennessee Valley Authority shall to the maximum extent that it may deem practicable, consistent with the fulfillment of the purpose of its program and the effective and efficient conduct of its business, coordinate its operations with the requirements of this Act and the policies and regulations prescribed pursuant thereto;

(13) the Atomic Energy Commission;

(14) the Administrator of the Federal Aviation Administration or the Secretary of Commerce with respect to the disposal of airport property and airway property for use as such property. For the purpose of this paragraph the terms "airport property" and "airway property" shall have the respective meanings ascribed to them in the International Aviation Facilities Act (62 Stat. 450) (49 App. U.S.C. 1151 et seq.);

(15) the United States Postal Service;

(16) the Maritime Administration with respect to the construction, reconstruction, and reconditioning (including outfitting and equipping incident to the foregoing), the acquisition, procurement, operation, maintenance, preservation, sale, lease, or charter of any merchant vessel or of any shipyard, ship site, terminal, pier, dock, warehouse, or other installation necessary or appropriate for the carrying out of any program of such Administration authorized by law, or nonadministrative activities incidental thereto: *Provided*, That the Maritime Administration shall to the maximum extent that it may deem practicable, consistent with the fulfillment of the purposes of such programs and the effective and efficient conduct of such activities, coordinate its operations with the requirements of this Act, and the policies and regulations prescribed pursuant thereto;

(17) the Central Intelligence Agency;

(18) the Joint Committee on Printing, under title 44 or any other Act;

(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within one year after the effective date of this Act should, in the public interest, stand unimpaired by this Act;

(20) the Secretary of the Interior with respect to procurement for program operations under the Bonneville Project Act of 1937 (50 Stat. 731), as amended (16 U.S.C. 832 et seq.); or

(21) the Director of the United States Information Agency with respect to the furnishing of facilities in foreign countries and reception centers within the United States.

No provision of this Act, as amended, shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this Act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment.

(June 30, 1949, ch. 288, title VI, § 602(c)-(e), formerly title V, § 502(c)-(e), 63 Stat. 401; Aug. 10, 1949, ch. 412, § 12(a), (g), 63 Stat. 591; renumbered and amended Sept. 5, 1950, ch. 849, § 6(a), (b), 7(e), (f), 8(c), 64 Stat. 583, 590; Aug. 23, 1958, Pub. L. 85-726, title XIV, § 1406, 72 Stat. 808; May 24, 1962, Pub. L. 87-456, title III, § 303(b), 76 Stat. 78; Nov. 8, 1965, Pub. L. 89-343, § 6, 79 Stat. 1303; Oct. 15, 1966, Pub. L. 89-670, § 3(e), 6(c)(1), 80 Stat. 932, 938; May 25, 1967, Pub. L. 90-19, § 7, 81 Stat. 22; Aug. 12, 1970, Pub. L. 91-375, § 6(m)(2), 84 Stat. 782; Aug. 30, 1974, Pub. L. 93-400, § 15(4), 88 Stat. 800; Aug. 15, 1979, Pub. L. 96-60, title II, § 203(c), 93 Stat. 399; Oct. 10, 1979, Pub. L. 96-83, § 10(b), 93 Stat. 652; Aug. 6, 1981, Pub. L. 97-31, § 12(13), 95 Stat. 154; Aug. 24, 1982, Pub. L. 97-241, title III, § 303(b), 96 Stat. 291; Dec. 1, 1983. Pub. L. 98-191, § 8(d)(2), 9(a)(3), 97 Stat. 1331.)

CODIFICATION

In par. (18), "title 44 or any other Act" was substituted for "the Act entitled "An Act providing for the public printing and binding and the distribution of public documents" approved January 12, 1895 (28 Stat. 601), as amended or any other Act' on authority of Pub. L. 90-620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which revised and enacted Title 44, Public Printing and Documents.

AMENDMENTS

1950—Act Sept. 5, 1950, § 7(e), (f), 8(c), inserted "and paramount" after "any authority" in opening par., inserted "the" in par. (17), inserted reference to "Joint Committee on Printing" in par. (18), reenacted par. (19), and added closing par.